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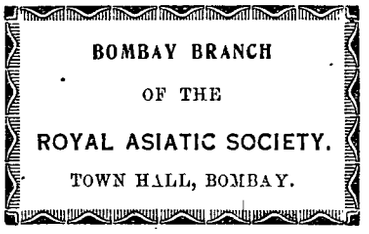

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The Effigies of
John Rushworth Esq.r

Historical Collections.

The Third Part;

IN

Two Volumes.

30866

Containing the

PRINCIPAL MATTERS

Which happened from the

MEETING of the PARLIAMENT,

November the 3d. 1640:

To the End of the YEAR 1644.

Wherein is a particular Account of the Rise and Progress of the CIVIL WAR to that Period:
Impartially Related.

Setting forth only **Matter of Fact** in **Order of Time**,
Without *Observation* or *Reflection*.

With ALPHABETICAL TABLES.

By *JOHN RUSHWORTH* late of *Lincolns-Inn*, Esq;.
Fitted for the Press in his Life-time.

LICENSED, *Novemb.* 11. 1691.

LONDON:
Printed for **Richard Chiswell** and **Thomas Cockerill**, at the Rose and Crown in St *Paul's* Church-yard, and at the Three Legs over-against the *Stocks-Market*. MDCXCII.

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TO THE

READER.

IT is observed by a very Learned Historian of this Age, That it is a hard matter to write a good History; because, if the Author be an Eye-witness, he is apt to lean to a Party; if not, he can hardly attain a true knowledge of Affairs. The latter of these Difficulties Mr. RUSHWORTH, *the Author of these* HISTORICAL COLLECTIONS, *could not possibly labour under, since he was not only present when these things were transacted, but had all opportunities of gaining due Information, and made it the chief business of his Life to gain it. Nor was it possible for him to take a better course than he has done, to avoid all suspicion of Partiality: For he seldom speaks in his own person, because he would not have the Truth of his History to depend upon his own Credit. The Proceedings in Parliament, he has from the Journals of both Houses. The Reasons of both Sides for betaking themselves to Arms, and their several Justifications, are delivered in their own Words, expressed in their* Declarations, Remonstrances, Petitions, Addresses, *and their* Answers. *Actions in the Field are related from Letters of Persons concern-*

Difficilis est rerum gestarum narratio: quæ absentem fugiunt, præsentem trahunt. *Grot.*

ed in the Actions themſelves, or from ſuch Prints as were then publiſhed, and not in the leaſt ſuſpected of Falſhood. And wherever the Contending Parties gave out different Relations, thoſe different Relations are publiſhed at large in their own words.

Thoſe two Difficulties therefore of Ignorance and Partiality, being here ſurmounted, the former by God's Providence, and the Author's Induſtry, and the latter by his Integrity, which appears in his Method of writing, with which Partiality is inconſiſtent; the benefit of theſe COLLECTIONS *to Poſterity is not only the ſame with that of all True Hiſtory, but is ſuch as muſt needs yield us more uſeful Obſervations than any other Hiſtory can do; ſince the Subject-matter of them ſo nearly concerns us (it being no other than the preſervation of our Ancient Laws and Government, that was then pretended to be fought for on both ſides); and the time, in which theſe things were tranſacted, is ſo very late, that the ſame Laws and Government, which through God's bleſſing we now enjoy the Fruits of, did, or ought to have obtained when theſe Diſtractions began. That violent Inroads were made upon them, and the very Frame of the Government unhing'd, we all know: but by whoſe, and what means, and by what ſteps the Miſunderſtandings betwixt the* KING *and His* PARLIAMENT *grew to ſuch a height, as to involve Three Nations in ſo many years War, the*

Judicious

Judicious Reader must observe and judge for himself by the Matter of Fact disclosed, as it were in a Special Verdict, and by the Arguments on both Sides.

None can find fault with the Publishing such a HISTORY *as this, be their Judgments or Prejudices what they will in favour of either Party, who are not unwilling or afraid of having Truth brought to Light.*

A very few things the Reader is to be advertised of; As 1*st, That whereas some few things are referred to an* APPENDIX, *which was intended to have been added at the End of the Second Volume; the same has upon some Considerations been declined; and that at the End of the Last Volume of the Next Part, there will be inserted an* APPENDIX *both to this Part, and that, all under one.*

2. *That whereas in the Title of this* HISTORY, *things are mentioned to be delivered in order of time. Where the* HISTORY *proceeds by way of Diary, the Series of time is pursued, and Matters of Fact represented in order of time as they happened; but some Important Affairs and Occurrences of one and the same kind are ranked together in their particular Classes, which compose the several Chapters; where such Occurrences are related apart, as a separate, distinct History by themselves; and was done to avoid confusion,*

which

which must needs have been occasioned by the perpetual interfering of so Remarkable Affairs with each other.

3. *That the Copy having been distributed to several Presses, there are in two or three places mistakes committed in the paging, though there be no breach in the* HISTORY.

4. *That these* COLLECTIONS *are all Mr.* RUSHWORTH'S *own, and with great Care and Pains methodized by him in his Life-time, and designed for the Press; but the Circumstances of the Times hindred him from making them Publick before his Death.*

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A CONTINUATION OF Hiſtorical Collections.

PART III. VOL. I.

Beginning *Novemb.* 3. 1640.

TUESDAY the 3d of *Novemb.* 1640. being the day appointed for the Meeting of the Parliament, *Tho.* Earl of *Arundel*, Lord High Marſhal of *England*, and Lord High Steward of His Majeſty's Houſhold, about Nine of the Clock in the Morning came into the outward Room of the Commons Houſe, called the *Lobby*, accompanied with the Treaſurer of the King's Houſhold, and Sir *Tho. Roe*, Knt. one of His Majeſty's Privy Council, and others of the Privy Council, where the Cryer of the *Chancery* firſt made Proclamation in the King's name, Charging all that were choſen to attend in this preſent Parliament, not to preſume to ſit till they had firſt taken the Oaths of Supremacy and Allegiance; nor till the Sheriff make return of his Writ to the Clerk of the Crown in *Chancery*, and his or their Names be there entred.

The Opening of the Parliament, *Nov.* 3. 1640.

Then the Clerk of the Crown in *Chancery* read the Writ, and called over the Names of ſuch Knights, Citizens, and Burgeſſes, and Barons of the Cinque-Ports, as were return'd.

The Names of the Knights, Citizens and Burgeſſes of the Counties, Cities and Borough-Towns of *England* and *Wales*, and Barons of the Ports, in the Parliament Aſſembled at *Weſtminſter* the 3d day of *November*. 1640.

The Names of the Commons, *Nov.* 3. 1640.

Bedford.

Oliver Luke, Knt.
George Burgoyne, Bart.

Bedford Town.

Beauchamp St. John, Kt.
Samuel Luke, Kt.

Buckingham.

John Hampden, Eſq;.
Arthur Goodwin, Eſq;.

Buckingham Town.

Peter Temple, Kt. and Bart.
Alexander Denton, Kt.

Alisbury.

John Packington, Bart.
Ralph Verney, Eſq;.

Amerſham.

Will. Drake, Eſq;.
Francis Drake, Eſq;.

Wendover.

Robert Crook, Eſq;.
Thomas Fountaine, Eſq;.

Marlow.

Bulſtrode Whitlocke.
Peregreen Hoby, Eſq;.

An. 1640.

Berkſhire.

John Fettiplace, Eſq;.
Henry Martin, Eſq;.
Francis Pile, Bar^t.

New Windſor.
Cornelius Holland, Eſq;.
Richard Winwood, Eſq;.

Reading.
Francis Knowles, Senior, K^t.
Francis Knowles, Junior, K^t.

Abbington.
George Stonehouſe, Bar^t.
John Ball, Eſq;.

Wallingford.
Edmund Dunch, Eſq;.
Thomas Howard, Eſq;.

Cornwall.

Alexander Carew, Eſq;.
Bevill Greenvill, K^t.

Dunchevit.
Ambroſe Manaton, Eſq;.
William Corriton, Eſq;.

Lesbard.
John Harris, Eſq;.
Joſeph Jane, Gent.

Leſtwithell.
John Travanon, Eſq;.
Richard Arundell, Eſq;.

Truro.
John Roll, Eſq;.
Francis Rowſe, Eſq;.

Bodwin.
John Arrundel, Eſq;.
Anthony Nicolls, Eſq;.

Helſton.
Francis Godolphin, Eſq;.
Sidney Godolphin, Eſq;.

Saltaſh.
George Buller, Eſq;.
Edward Hide, Eſq;.

Camilford.
Peirce Edgcomb, Eſq;.
William Glanvill, Eſq;.

Grampound.
James Cambell, Eſq;.
John Trevor, K^t.

Eaſtlow.
Francis Butler.
Thomas Lower, Eſq;

Weſtlow.
Henry Killegrew, Eſq;.
Thomas Arrundell, Eſq;.

Pearin.
John Bampfield, K^t.
Nicholas Slaining, K^t.

Tregony.
Richard Vivion, K^t.
John Polewheel, Eſq;.

Roſſing.
Chriſtopher Elverton, K^t.
Ralph Siddenham, K^t.

St. Ives.
Francis Godolphin, Eſq;.
Edward Walker, Eſq;.

Fowey.
Jonathan Raſhley, Eſq;.
Richard Buller, K^t.

St. Jermins.
John Moyle, Eſq;.
Ben. Valentine, Eſq;.

Michell.
William Chadwell, Eſq;.
Robert Holborn, Eſq;.

Newport.
Richard Edgcomb, Eſq;.

St. Mawez.
Richard Eriſtey.
George Parry, Doctor at Law.

Killington.
Arthur Ingram, K^t.

Cumberland.

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Cumberland.

George Dalſton, K^t^.
Patrick Curwin, Bar^t^.

Carliſle.
William Dalſton, K^t^. and Bar^t^.
Richard Barwis, Eſq;.

Cockermouth.
John Hipſley, K^t^.
Francis Allen, Eſq;.

Cambridgeſhire.

Dudley North, K^t^. and Bar^t^.
Thomas Chicheley, Eſq;.

Cambridge-Univerſity.
Thomas Eden, Dr. at Law.
Henry Lucas, Eſq;.

Cambridge-Town.
Oliver Cromwell, Eſq;.
John Lawry, Eſq;.

Cheſhire.

Peter Venables, Eſq;.
William Bruerton, Bar^t^.

Cheſter City.
Thomas Smith, K^t^.
Francis Gaunell, Eſq;.

Darbyſhire.

John Curſon, Bar^t^.
John Cooke, K^t^.

Darby Town.
William Alleſtree, Eſq;, Recorder.
Nathan. Hallowes, Alderman.

Devonſhire.

Edward Seymor, Eſq;.
Sam. Roll, K^t^.

Exeter City.
Robert Walker, Eſq;.
Symon Snow, Merchant.

Totnes.
Oliver St. John, Eſq;.
John Maynard, Eſq;.

Plimouth.
John Young, K^t^.
John Waddon, Eſq;.

Barnſtable.
George Peard, Eſq;.
Richard Ferris, Eſq;.

Plimpton.
Hugh Potter, Eſq;.
Sir *Rich. Strode*, K^t^.

Taviſtock.
John Pym, Eſq;.
John Ruſſell, Eſq;.

Clifton Dartmouth Hard.
John Brown, Eſq;.
Roger Mathews, Eſq;.

Berealſton.
William Strode, Eſq;.
Charles Pym, Eſq;.

Tiverton.
Peter Sainthill, Eſq;.
George Hartnell, Eſq;.

Aſperton.
Edmond Fowel, K^t^.
John Northcot, K^t^.

Honyton.
William Poole, Eſq;.
Walter Young, Eſq;.

Oakhampton.
Lawrence Whitaker, Eſq;.
Edward Thomas, Eſq;.

Dorſetſhire.

Richard Rogers, Eſq;.
John Brown, Eſq;.

Poole.
John Pyne, Eſq;.
William Conſtantine, Eſq;.

An. 1640.

Dorcheſter.
Denzill Hollis, Eſq;.
Denis Bond, Alderman.

Lyme-Regis.
Edmond Prideaux, Eſq;.
Richard Roſe, Eſq;.

Weymouth.
John Strangways, K^t.
Walter Earl, K^t.

Melcomb-Regis.
Gerrard Napper, Eſq;.
Richard King, Eſq;.

Brideport.
Giles Strangwayes, Eſq;.
Roger Hill, Eſq;.

Shaftsbury.
William Whitaker, Eſq;.
Samuel Turner, Dr. of Phyſick.

Warham.
John Trenchard, Eſq;.
Thomas Earl, Eſq;.

Corfe-Caſtle.
John Burlace, Eſq;.
Giles Green, Eſq;.

Eſſex.

Martin Lumley, K^t. and Bar^t.
William Maſſam, Bar^t.

Colcheſter.
Tho. Barrington, K^t. and Bar^t.
Harbotle Grimſton, Eſq;.

Malden.
Henry Mildmay, K^t.
John Clotworthy, K^t.

Harwich.
Harbotle Grimſton, K^t. and Bar^t.
Thomas Cheek, K^t.

Glouceſterſhire.

John Dutton, Eſq;.
Nathanael Stephens, Eſq;.

Glouceſter-City.
Thomas Pury, Alderman.
Henry Bret, Eſq.

Ciceſter.
Theobald George, K^t.
John George, Eſq;.

Teueksbury.
Robert Cole, K^t.
Edw. Stevens, Eſq;.

Huntingdonſhire.

Sidney Montague, K^t.
Valentine Waaton, Eſq;.

Huntington Town.
George Montague, Eſq.

Hartfordſhire.

William Litton, K^t.
Thomas Dacres, K^t.

St. Albans.
Richard Jenings, Eſq;.
Edward Wingate, Eſq;.

Hartford Town.
Charles Viſcount *Cramburn*.
Tho. Fanſhaw, K^t. of the Bathe.

Herefordſhire.

Robert Harley, K^t of the Bathe.
Fitz Williams Coningsby, Eſq.

Hereford City.
Richard Weaver, Gent.
Richard Seaburn, Eſq;.

Webly.
Arthur Jones, L. *Ranelagh*.
Thomas Tomkins, Eſq;.

Lempſter.
Sampſon Eure, Serj. at Law.
Walter Kirle, Eſq;.

Kent.

Auguſtine Skinner, Eſq;.
John Culpepper, K^t.

Canterbury.

Canterbury.
Edward Maſters, K^t^.
John Nut, Eſq;.

Rocheſter.
Richard Lee, Eſq;.
Thomas Walſingham, K^t^.

Maidſton.
Francis Bainham, K^t^.
Humphrey Iuſton, K^t^.

Queenborough.
Edward Hales, K^t^. and Bar^t^.
William Harriſon, Eſq;.

Lincolnſhire.

John Wray, Kt. and Bar^t^.
Edward Ayſcough, K^t^.

Lincoln City.
Thomas Grantham, Eſq;.
John Broxolin, Eſq;.

Boſton Town.
Anthony Inby, K^t^.
William Ellis, Eſq;.

Great Grimsby.
Chriſtopher Wray, K^t^.
Jervis Helles, Eſq;.

Stamford.
Jeoffry Palmer, Eſq;.
Thomas Hatcher, K^t^.

Grantham.
Henry Pelham, Eſq;.
William Armin, Bar^t^.

Leiceſterſhire.

Arthur Haſeling, Bar^t^.
Henry Smith, Eſq;.

Leiceſter Town.
Thomas Lord *Gray* of *Grooby*.
Thomas Cooke, Eſq;.

Lancaſhire.

Ralph Aſhton, Eſq;.
Roger Kirby, Eſq;.

Lancaſter Town.
John Harriſon, Kt.
Thomas Fanſhaw, Eſq;.

Preſton *in* Anderneſs.
Richard Shuttleworth, Eſq;.
Thomas Standiſh, Eſq;.

Newton.
William Aſhurſt, Eſq;.
Roger Palmer, K^t^.

Wigan.
Orlando Bridgeman, Eſq;.
Alexander Rigby, Eſq;.

Clithero.
Ralph Aſhton, Eſq;.
Richard Shuttleworth, Gent.

Leverpoole.
John Moore, Eſq;.
Richard Wyn, K^t^. and Bar^t^.

Middleſex.

Gilbert Gerrard, Bar^t^.
John Franklyn, Bar^t^.

Weſtminſter.
John Glyn, Eſq;.
William Bell, Gent.

London.
Thomas Soame, Eſq;.
Iſaac Penington, Eſq;.
Samuel Vaſſal, Merchant.
John Vean, Eſq;.

Monmouthſhire.

William Herbert, Eſq;.
Henry Herbert, Eſq;.

Town of Monmouth.
Thomas Trevor, Eſq;.

Northamptonſhire.

Gilbert Pickering, Bar^t^,
John Dreyden, Bar^t^.

Peterborough.
William Fitz William.

Northampton.

An. 1640.

Northampton.
Zoucheas Tate, Eſq;.
Richard Knightly, Eſq;.

Brackly.
John Crew, Eſq;.
Martin Liſter, K^t.

Higham Ferrers.
Chriſtopher Hatton, K^t.

Nottinghamſhire.

Thomas Hutchinſon, K^t.
Robert Sutton, Eſq;.

Nottingham.
William Stanhop, Eſq;.
Gilbert Millington, Eſq;.

Eaſtretford.
Jervis Clifton, K^t. and Bar^t.
Charles Viſcount *Mansfield.*

Norfolk.

John Pots, Eſq;.
Edward Mountford, K^t.

Norwich.
Richard Harman, Eſq;.
Richard Catlin, Eſq;.

Linn Regis.
John Percival, Gentleman.
Thomas Tell, Gentleman.

Yarmouth.
Myles Corbet, Eſq;.
Edward Owner, Eſq;.

Thetford.
Thomas Woodhouſe, K^t. and Bar^t.
Framlington Gawdy, Eſq;.

Caſtleriſing.
John Holland Bar^t.
Robert Hatton, K^t.

Northumberland.

Henry Piercy.
William Widdrington.

Newcaſtle upon Tyne.
Henry Anderſon, K^t.
John Blaxton, Eſq;.

Berwick.
Thomas Widdrington, K^t.
Robert Scowen, Eſq;.

Morpeth.
John Fenwick, Eſq;.
William Carnaby, K^t.

Oxfordſhire.

Thomas Vicount *Venman.*
James Fiennes, Eſq;.

Oxford Town.
Jon Whitſter, Eſq;.
John Smith, Eſq;.

Oxford Univerſity.
Thomas Roe, K^t.
John Selden, Eſq;.

Woodſtock.
William Lenthal, Eſq;.
Robert Pye, K^t.

Banbury.
Nathan. Fiennes, Eſq;.

Rutland.

Guy Palmer, K^t.

Surrey.

Richard Onslow, K^t.
Ambroſe Brown, Bar^t.

Southwark.
Edward Bagſhaw, Eſq;.
John White, Eſq;.

Blechenly.
John Evelin, Eſq;.
Edward Biſh Junior, Eſq;.

Rygate.
William Lord Viſcount *Monſon.*

Guilford.
Robert Parkhurſt, K^t.
George Abbot, Eſq;.

Gatton.

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Gatton.
Samuel Owfield, Eſq;.
Thomas Sands, Eſq.

Halſmere.
John Goodwin, Eſq;.
Poynings More, Kt.

Staffordſhire.

Edward Littleton, Bart.
Harvy Baggat, Kt.

Litchfield.
Richard Cave, Kt.
Michael Noble, Eſq;.

Stafford Town.
Ralph Sneyd Junior, Gent.
Richard Weſton, Eſq;.

Newcaſtle *under* Lyne.
Richard Leveſon, Kt. of the Bathe.
John Merrick, Kt.

Tamworth.
Ferdinando Stanhop, Eſq;.
Peter Wentworth, Kt of the Bathe.

Shropſhire.

Richard Lee, Bart.
John Corbet, Bart.

Shrewsbury.
Francis Newport, Eſq;.
William Sparſtow, Merchant.

Bridgnorth.
Thomas Whitmore, Eſq;.
Edward Acton, Eſq;.

Ludlow.
Charles Baldwin, Eſq;.
Ralph Goodwin, Eſq;.

Great Wenlock.
William Peirepoint, Eſq;.
Thomas Littleton, Eſq;.

Biſhops Caſtle.
Robert Howard, Knt. of the Bathe.
Richard More, Eſq;

Southampton County.

Henry Wallop, Knt.
Richard Whitehead, Eſq;.

Wincheſter.
John Liſle, Eſq;.
William Ogle, Knt.

Southampton Town.
George Gallop, Eſq;.
Edward Exton, Eſq;.

Portſmouth.
George Goring, Eſq;.
Edward Dowce, Eſq;.

Yarmouth.
Philip Lord *Liſle*.
John Leigh, Knt.

Petersfield.
William Lewis, Bart.
William Udale, Knt.

Newport *alias* Medens.
Lucius Viſcount *Faulkland*.
Henry Worſly, Bart.

Stockbridge.
William Hevingham, Eſq;.
William Jepſon, Eſq.

New Town.
John Meux, Eſq;.
Jo. Barrington, Knt. and Bart.

Chriſt Church.
Henry Tulſe, Eſq;.
Matthew Davis, Eſq;.

White Church.
Thomas Jervoyce, Eſq;.
Richard Jervoyce, Eſq;.

Limington.
John Button, Eſq;.
Henry Compton, Eſq;.

Andover.
Robert Wallop, Eſq;.
William Walker, Knt.

Suffolk.

An. 1640.

Suffolk.

Nathanael Barnardiſton, Knt.
Philip Parker, Knt.

Ipſwich.
William Cage, Eſq;.
John Gourdon, Eſq;.

Dunwich.
Henry Cooke, Eſq;.
Anthony Beddingfield, Gent.

Ortford.
William Platters, Knt. and Bart.
Charles Legriſe, Knt.

Alburgh.
Squire Bence, Eſq;.
Alexander Bence, Merchant.

Sudbury.
Robert Crane, Knt. and Bart.
Symon D'Ewes, Knt. and Bart.

De Eye.
Frederick Cornwallis, Knt. and Bart.
Roger North, Knt.

St. Edmondsbury.
Thomas Jermin, Knt.
Thomas Jermin, Eſq;.

Somerſetſhire.

John Paulet, Knt.
John Stowell, Knight of the *Bath*.

City of Briſtol.
Humphrey Hooke, Eſq;.
Richard Long, Eſq;.

City of Bath.
William Baſſet, Eſq;.
Alexander Popham, Eſq;.

City of Wells.
Ralph Hopton, Knight of the *Bath*.
Edward Rodney, Knt.

Taunton.
William Portman, Bart.
George Searle, Eſq;.

Bridgwater.
Peter Wroth, Knt.
Thomas Smith, *Eſq*;.

Minhead.
Francis Popham, Knt.
Alexander Lutterel, Gent.

Ilcheſter.
Edward Philips, Eſq;.
Robert Hunt, Eſq;.

Milborn-Port.
Edward Kirton, Eſq;.
John Digby, Eſq;.

Suſſex.

Thomas Pelham, Bart.
Anthony Stapely, Eſq;.

Chicheſter.
Chriſtopher Lukener, Eſq;.
William Morley, Knt.

Horſham.
Tho. Middleton, Eſq;.
Paul Ravenſcroft, Eſq;.

Midhurſt.
Thomas May, Eſq;.
William Cawley, Eſq;

Lewes.
Herbert Morley, Eſq;.
Henry Shelley, Eſq;

Shoreham.
John Alford, Eſq;.
William Marlot, Eſq;.

Bramber.
Thomas Bowyer, Bart.
Arthur Onſlow, Eſq;.

Steynings.
Thomas Leeds, Eſq;.
Thomas Fernefould, Knt.

Eaſt-Grinſted.
Richard Lord *Buckhurſt*.
John Baker, Eſq;.

Arun-

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Arundel.
John Downes, Eſq;.
Edward Alford, K^t.

Weſtmorland.

Philip Muſgrave, K^t. and Bar^t.
Henry Bellingham, K^t. and Bar^t.

Appleby.
Richard Earl of *Corke*.
John Brooke, K^t.

Wiltſhire.

James Thynn, K^t.
Henry Ludlow, K^t.

Salisbury.
Rob. Hide, Serjeant at Law.
Michael Oldſworth, Eſq;.

Wilton.
Henry Vane, K^t.
Benjamin Rudier, K^t.

Dounton.
Edward Griffin, K^t.
Alexander Thiſtlethwait, Eſq;.

Hindon.
Robert Reynolds, Eſq;.
Thomas Bennet, Gentleman.

Heitsbury.
Thomas Moore, Eſq;.
Edward Aſh, Gent.

Weſtbury.
William Wheeler, Eſq;.
John Aſh, Eſq;.

Calne.
George Law, Eſq;.
Hugh Rogers, Eſq;.

Devizes.
Edward Baynton, Eſq;.
Robert Nicholas, Eſq;.

Chippenham.
Edward Baynton, K^t.
Edw. Hungerford, K^t. of the Bathe.

Malmsbury.
Nevil Poole, K^t.
Anthony Hungerford, Eſq;.

Kricklade.
Robert Jenner, Eſq;.
Thomas Hodges, Eſq;.

Bedwin.
Walter Smith, K^t.
Richard Harding, Eſq;.

Ludgerſhall.
William Aſhburnham, Eſq;.
John Eveling, K^t.

Old Sarum.
Robert Cecill, Eſq;.
William Savil, K^t. and Bar^t.

Wooten-Baſſet.
Edward Poole, Eſq;.
William Pleydall, Eſq;.

Marlborough.
John Franckling, Eſq;.
Philip Smith, Eſq;.

Worceſterſhire.

John Wyld, Serjeant at Law.
Humphrey Salway, Eſq;.

Worceſter-City.
John Cowcher, Eſq;.
John Naſh, Eſq;.

Droitwich.
Endimion Porter, Eſq;.
Samuel Sandys, Eſq;.

Eveſham.
Richard Creſwel, Serjeant at Law.
John Coventry, Eſq;.

Bewdley.
Henry Herbert, K^t.

Warwickſhire.

Richard Shuckburg.
John Burgoyn, Bar^t.

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Coventry.
John Barker, Alderman.
William Jeſſon, Alderman.

Warwick.
William Purefoy, Eſq;.
Godfrey Boſtvile, Eſq;.

Yorkſhire.
Lord *Fairfax*.
Henry Bellaſis, Eſq;.

City of York.
William Allanſon, Kt.
Thomas Hoyle, Alderman.

Kingſton upon Hull.
Henry Vane, Kt. Junior.
Peregrine Pelham, Eſq;.

Knaresbrough.
Henry Slingsby, Bart.
Henry Benſon, Eſq;.

Scarborough.
Hugh Cholmly, Kt.
John Hotham, Eſq;.

Rippon.
William Mallory, Eſq;.
John Mallory, Eſq;.

Richmond.
William Pennyman, Bart.
Thomas Danby, Kt.

Heydon.
William Strickland, Eſq;.
John Allured, Eſq;.

Burroughbridge.
Philip Stapleton, Eſq;.
Thomas Maleverer.

Thuske.
John Bellaſis, Eſq;.
Thomas Ingram, Kt.

Alborough.
Richard Alborough, Eſq;.
Robert Strickland, Eſq;.

Beverly.
John Hotham, Kt. and Bart.
Michael Wharton, Eſq;.

Pomfret.
George Wentworth of *Wooley*, Kt.
George Wentworth of *Wentworth Woodhouſe*, Kt.

Malton.
Henry Darley, Eſq;.
John Waſtall, Eſq;.

Allerton.
Tho. Hoblethwayte, Eſq;.
Henry Cholmley, Kt.

CINQUE-PORTS.

Haſtings.
John Aſhburnham, Eſq;.
Thomas Eversfeild.

Winchelſey.
John Finch, Eſq;.
William Smith, Eſq;.

Rye.
John White, Eſq;.
William Hay, Gent.

Rumney.
Norton Knatchbull, Bart.
Richard Brown, Eſq;.

Heith.
Henry Heyman, Bart.
John Harvy, Eſq;.

Dover.
Edward Boyſe, Kt.
Benjamin Weſton, Eſq;.

Sandwich.
Thomas Peyton.
Edward Partherick, Bart.

Seaford.
Thomas Parker, Kt.
Francis Gerrard, Eſq;.

WALES.

Angleſey.
John Bodvil, Eſq;.

Bewmauris.

John Griffith Senior, Eſq;.

Brecknockſhire.
Herbert Price, Eſq;.

Cardiganſhire.
Walter Floyd, Eſq.

Cardigan Town.
John Vaughan, Eſq.

Carmarthenſhire.
Henry Vaughan, Eſq;.

Carmarthen Town.
Francis Lloyd, Eſq;.

Carnarvonſhire.

Carnarvon Town.
William Thomas, Eſq;.

Denbyſhire.
Thomas Middleton, Kt..

Denby Town.
Symon Thelwall Junior, Eſq;.

Flintſhire.
John Moſtin, Eſq.
John Salisbury Junior, Eſq;.

Glamorganſhire.
Philip Lord *Herbert*.

Cardiff Town.
William Herbert, Eſq;.

Merionethſhire.
William Price, Eſq;.

Haverford Weſt.
John Stepney, Bart.
Robert Needham, Knt.

Pembrook Town.
Hugh Owen, Eſq;.

Montgomeryſhire.
John Price, Bart.

Montgomery Town.
Richard Herbert, Eſq;.

Radnorſhire.
Charles Price, Eſq;.

Radnor Town.
Philip Warwick, Eſq;.

This being done, the Lord High Steward firſt Swore about ſixty Members then preſent, and then made his Deputation under his Hand and Seal, which was openly Read by the Clerk of the Parliament, attending upon the Commons: By which he did Conſtitute and Authoriſe thoſe of the Privy Council, being Members of the Houſe; as alſo ſome other Members, who were then Sworn; or any Six, Five, Four, or more of them, in his place and ſtead, to Adminiſter the Oaths of Supremacy and Allegiance to all ſuch Members of that Houſe, as during this Preſent Parliament had not taken them. And then his Lordſhip departed to wait upon the King, who about One of the Clock came in his Barge from *White-hall* to *Weſtminſter* Bridge, in the New *Palace-yard*; where the Lords met Him; and from thence in great Solemnity, he came Accompanied with his Nobles through *Weſtminſter-hall* and the Court of *Requeſts*, to the *Abbey*; where he heard a Sermon Preached by the Biſhop of *Briſtol*; and then came to the Lords Houſe, where the Commons being ſent for, and appearing; His Majeſty ſpake as followeth.

My Lords,

The King's Speech at the Opening the Parliament, *Nov.* 3. 1640.

THE know'ledge I had of the Deſign of my Scottiſh *Subjects, was the Cauſe of my Calling the* Laſt Aſſembly *of Parliament: Wherein had I been* Believed, *I ſincerely think, that things had not fallen out, as now*

An. 1640. *now we ſee. But it is no wonder that men are ſo ſlow to believe, that ſo* great a Sedition *ſhould be raiſed on ſo* little *Ground. But now my Lords and Gentlemen, the* Honour *and* Safety *of this Kingdom lying ſo near at ſtake, I am reſolved to put my ſelf freely and clearly* on the Love *and* Affection *of my* Engliſh *Subjects: As thoſe of my* Lords *that waited on me at* York, *may very well remember I there declared.*

Therefore my Lords, I ſhall not mention mine own Intereſt, *or that Support I might juſtly expect from you, till the* Common ſafety *be ſecured; Though I muſt tell you, I am not aſhamed to ſay, thoſe* Charges *I have been at, have been meerly for the Securing and Good of this Kingdom, though the Succeſs hath not been anſwerable to my Deſires. Therefore, I ſhall only deſire you to conſider the beſt way, both for the* Safety *and* Security *of this Kingdom. Wherein there are two parts chiefly conſiderable;* Firſt, *The Chaſing out of* Rebels; *and* Secondly, *That other in ſatisfying your Juſt* Grievances; *wherein I promiſe you to concur ſo heartily and clearly with you, That all the World may ſee my Intentions have ever been, and ſhall be, to make this a Glorious and Flouriſhing Kingdom. There are only Two things that I ſhall mention to you; the one is to tell you, That the* Loan *of Money which I had lately from the City of* London, (*wherein the* Lords *that waited on me at* York, *aſſiſted me*) *will only maintain my Army for* Two *Months, from the beginning of that time it was granted. Now my Lords and Gentlemen, I leave it to your Conſideration, what* Diſhonour *and* Miſchief *it might be, if for want of Money my Army be Disbanded before the* Rebels *be put out of this Kingdom.* Secondly, *The ſecuring againſt the calamities the* Northern *People endure at this time; and ſo long as the Treaty is on foot. And in this I ſay, not only They, but all this Kingdom will ſuffer the Harm; therefore I leave this alſo to your Conſideration. For the* Ordering *of theſe great Affairs, whereof you are to Treat at this time, I am ſo confident of your Love to me, and that your Care is for the Honour and Safety of the Kingdom, that I ſhall freely and willingly leave to you where to begin: Only this, That you may the better know the State of all the Affairs, I have Commanded my* Lord Keeper *to give you a ſhort and free Account of thoſe things that have happened in this Interim; with this Proteſtation, That if this Account be not ſatisfactory as it ought to be, I ſhall, whenſoever you deſire, give you a full and perfect Account of every particular. One thing more I deſire of you, as one of the greateſt means to make this a happy Parliament, That you on your parts, as I on mine, lay aſide all* Suſpition *one of another; for as I promiſed my Lords at* York, *It ſhall not be my fault, if this be not a happy and good Parliament.*

The King having ended his Speech, *John* Lord *Finch*, Lord Keeper of the Great Seal of *England*, made this following Speech.

My Lords, And you the Knights, Citizens, and Burgeſſes of the Houſe of Commons;

The Lord Keeper *Finch* his Speech.

YOU have been Summoned by His Majeſties Gracious Writ, under the Great Seal of *England*, and you are here this day aſſembled for the holding of a Parliament. The Writ tells you, *'Tis to treat and conſult of the high, great, and weighty Affairs, that concern the Eſtate and Safety of the Kingdom.* It tells you true; for ſince the Conqueſt, never was there a time that did more require, and pray for the beſt Advice and Affection of the *Engliſh* People. It is ill viewing of objects, by viewing them in a Multiplying-Glaſs; and it is almoſt as miſchievous in the ſpecies of ſuch a broken Glaſs, which repreſents but to the half. The only and the perfect way is to look in a true Mirrour: I will not take upon me to be a good looker in it. I will only hold it to you to make uſe of it.

The Kingdom of *England* is this Multiplying-Glaſs; you may there ſee a State which

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which hath flouriſhed for divers hundred years, Famous for time of Peace and War, Glorious at home, and ever Conſiderable abroad; a Nation to whom never yet any Conqueror gave *new Laws*, nor aboliſhed the *old*; nor would this Nation ever ſuffer a Conqueror to meddle with their Laws, no not the *Romans*, who yet when as they ſubdued all the People, made it part of their Conqueſt to lead their Laws in Triumph with them. For the *Saxons*, *Danes*, and the *Normans*, if this were a time to travel into ſuch particulars, it were an eaſie task to make it appear, that they never changed the old eſtabliſhed Laws of *England*, nor ever brought in any new; ſo as you have the Frame and Conſtitution of a Common-wealth, made Glorious by Antiquity. And it is with States, as with Perſons and Families, certainly an uninterrupted Pedigree doth give Luſtre. It is glorious in the whole frame, worth your looking upon long, and your conſideration in every part.

The King is the Head of the Commonwealth, the Fountain of Juſtice, the Life of the Law, he is *anima & deliciæ Legis*.

Behold him in the happy Times, that we have ſo long lived under his Monarchical Government.

For his Excellent Majeſty, that now is, Our moſt Gracious Soveraign, you had need wipe the Glaſs, and wipe your eyes, and then you ſhall truly behold him a King of Exemplary Piety, and Juſtice, of Rare Endowments, and Abilities of Nature. And what he hath got by Acquiſition, depth of Judgment, quickneſs of Apprehenſion, unparallel'd Moderation in great Councels, and great Affairs, ſuch as you my Lords, that had the happineſs to attend him at the Council of Peers at *York*, to your great Joy and Comfort can witneſs, and after-Ages will remember, to his eternal Honour and Fame.

For his Juſt and Pious Government, I dare boldly ſay, That if any under him as an Inſtrument, who have had the diſtributing of Juſtice to his People, have not done as they ought, the fault is their own, and they have done contrary to the Royal Nature, and expreſs Command of our Gracious Soveraign, from whom I have often learned this golden Rule and *Maxim*, *He ſerves me beſt, that ſerves me with Honeſty and Integrity.*

Behold him in another part of himſelf, in his deareſt Conſort, our gracious Queen, the Mirror of Virtue, from whom ſince her happy arrival, now after three *luſters* of Years, never any Subject received other than gracions and benign Influence; and I dare avow, as ſhe is neareſt and deareſt to our Soveraign, ſo there is none whoſe Affections and Endeavours (His Majeſty only excepted) have, or do, or can co-operate more to the happy Succeſs of this Parliament, and the never to be equall'd Joy and Comfort of a right underſtanding between the King and his People.

Behold him in his beſt Image, our Excellent Young Prince, and the reſt of the Royal and Lively Progeny, in whom we cannot but promiſe to our ſelves, to have our happineſs perpetuated.

From the Throne, turn your Eyes upon the Two ſupporters of it, on the one ſide the ſtem of honour, the Nobility and Clergy; on the other ſide, the Gentry and Commons.

Where was there, or is there in any part of the World, a Nobility ſo Numerous, ſo Magnanimous, and yet with ſuch a temper, that they neither eclipſe the Throne, nor over-top the People, but keep in a diſtance fit for the greatneſs of the Throne?

Where was there a Commonwealth ſo free, and the ballance ſo equally held as here? And certainly ſo long as the Beam is duly held, it cannot be otherwiſe. In *right Angles*, if you turn the Line never ſo little, it groweth quickly acute, or obtuſe; and ſo States, the leaſt deviation makes a great change. But His Majeſties great Wiſdom and Goodneſs, and the aſſiſtance of this Honourable Aſſembly, I do not doubt, will be a means to make us ſteer between the *Tropicks* of Moderation, that there be no declenſion from the *Pole* of Security.

I am by His Majeſties Command, to relate to you ſome Proceedings ſince the laſt Aſſembly here.

You may remember the Summer preceding this laſt, His Majeſty went with an Army into the *North*, ingaged in Honour ſo to do, by reaſon of the courſes that were taken by divers of the Subjects of *Scotland*, to the Prejudice of Monarchy, and rendring leſs glorious this Kingdom. I know not under what pretence, but at that time they came very near *England*, with an Army, ſo that it was believed, they would have then entred and invaded the Kingdom. They did profeſs the contrary, neither did they want Remonſtrances and Declarations to infuſe this Opinion into the

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This being made known unto his Majeſty, and to his Privy-Council, by thoſe who beſt knew the ſtate and affairs of that Kingdom, and that were moſt truſted and employed by his Majeſty; his Majeſty by the Unanimous Conſent of his Privy-Council, reſolved to raiſe an Army to reduce them to their modeſt and juſt condition of true Obedience, and Subjection, to defend this Kingdom from all damage and danger, that by their means (how ſpeciouſly ſoever they ſhadow their pretences) might fall upon it.

His Majeſty then foreſaw, and foretold, that though the raiſing of an Army at this time, was but to ſtand upon their own defence, as they profeſſed, yet they had an intention to enter this Kingdom, and to ſeize upon ſome place of Importance and Eminency; and his Majeſty in particular named *Newcaſtle*.

Had his Majeſty then had Means and Money, as well as he had certain knowledg of their intentions, I do believe that theſe Calamities that have faln upon that Town, and the Counties adjoyning, had been prevented. Perhaps the miſ-interpretations of his Majeſties Intentions, and the miſ-underſtanding of his Actions, and (I am afraid) the too benign interpretation of the attempts, actions, and profeſſions of the Subjects in *Scotland*, added ſome impediment to that which the moſt of us, I hope, have lived to repent of.

His Majeſty howſoever went in Perſon to the *North*, to ſee his Army ordered, and to take care for the Safety and Defence of this Kingdom, as much as he poſſibly could. He had not long been there, but that which he foreſaw, and foretold, fell out: For the *Scots* paſſed with their Army, the Rivers *Twede*, and *Tine*, and ſeized upon *Newcaſtle*, which of what importance it is, you all know; and then they forced contribution of the Counties of *Northumbtrland*, and the Biſhoprick of *Durham*, beſides many other ſpoils and deſtructions that were committed.

His Majeſty well conſidering of what weight and importance this was, and then having neither time nor place to call this Aſſembly of Parliament; he did reſolve, as had been frequently uſed, to Summon a great Council of all the Peers, that by their Advice and Aſſiſtance there might be ſome interruption given to the Calamity that was likely to ſpread over the whole Kingdom, and commanded Writs to iſſue out accordingly.

That was not done to prevent, but to prepare for a Parliament.

It was not to claſh, or interfere with this Aſſembly, by acting or ordering any thing which belongeth to this *High and Supreme* Juriſdiction, but only to give their aſſiſtance for the preſent, to render things more fit for this great Aſſembly.

That his Majeſty's Intentions were ſo, it is clear, for before ever any Petition was delivered, or ever any ſpeech of Petition for a Parliament, his Majeſty had reſolved to call one.

The Lords underſtood it ſo, as will plainly appear by the Proceedings of that Aſſembly, of which, if thoſe that were Officers, and Miniſters there had been come to Town, upon whoſe help I reſted for my particular Inſtruction, I ſhould have been better able to have given you an account; and his Majeſty was pleas'd to let you know, That when there was an occaſion of any particular, you may be ſatisfied in it.

According to his Majeſty's Command, on the Twenty fourth of *September*, all the Peers that were ſummoned, except ſome few, did meet; where his Majeſty was in the firſt place pleaſed to declare unto us his Reſolution to call a Parliament; and to all our Joys and Contents, as he hath now done it to yours and ours, declared, *That there was nothing he did more deſire, than to be rightly underſtood of his People:* And whoſoever he be, that ſhall go about (effect it I am ſure he cannot) to attempt or endeavour to alter this gracious Declaration and Reſolution of His Majeſty, or whoſoever

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ſoever ſhall go about to poyſon the Hearts of his good Subjects, with an opinion that it cannot be ſo; or leſſen the affection of his loving Subjects, (for certainly never Subjects of the World better loved their King, than the *Engliſh*; nor ever did *Engliſh-men* better love a King, than now); if (I ſay) there be any ſuch, may a Curſe and Puniſhment fall upon them, but let the Royal Throne be eſtabliſhed for ever.

His Majeſty was then pleaſed to tell us the Cauſe for which he had called us together.

In the firſt place, it was touching an Anſwer to a Petition that had been, ſince his coming to *York*, and before his aſſembling the Lords, ſent unto him from thoſe his Subjects of *Scotland*, that were at *Newcaſtle*.

The firſt thing that his Majeſty deſired their Advice in, was the Anſwer to that Petition.

The next thing his Majeſty conceived, and all that were there, were of one Opinion, with one Voice and Conſent, That it was not fit his Majeſty ſhould disband his Army, ſo long as the *Scots* Army was on foot; and his Majeſty wiſhed them to take into conſideration, what way to have maintenance for his Army in the mean time.

His Majeſty having opened the Cauſe of calling them together, was pleaſed to expreſs himſelf, That he would leave to the Lords their freedom of Debate, and himſelf was ready to have been gone from the Council; but at the humble Suit of the Lords he ſtayed; and I am perſuaded, that nothing was of that Joy to them, as his Majeſty's Preſence, with ſuch freedom of diſcourſe did every man deliver himſelf, with ſuch grace and ſweetneſs did his Majeſty hear them, and ſuch content did they take in his moderating, guiding, and directing thoſe Councils.

My Lords, as holding it moſt neceſſary, took the latter of thoſe two Conſiderations propounded by his Majeſty, into their thoughts, and that was the ſupplying, and ſupporting his Majeſty's Army, till this Parliament might take ſome courſe in it. His Majeſty, and my Lords, did declare themſelves, as before I have opened unto you, *That they could never attempt, nor had the leaſt thought to make, by any Act or Order, any thing tending to Charge the Subject, but that it might be left wholly to* [the Supreme Juriſdiction.] And therefore not ſeeing any other way, they reſolved by Letters to addreſs themſelves to the City of *London*, and with their Letters they ſent half a dozen of my Lords.

My Lord *Privy-Seal*, my Lord of *Clare*, who was appointed to go, but his urgent occaſions prevented him, Viſcount *Cambden*, Lord *Coventry*, Lord *Goring*, and ——— And as theſe Lords did expreſs the Joy and Content they took in the King's Grace, ſo the confidence they had of his gracious aſſiſtance, was ſuch, that they did freely offer themſelves, (and as I dare ſay there is none but is yet ready) to enter into ſecurity with his Majeſty. And the City gave an anſwer fit for *the Chamber of the King*, and part of the money is already lent, and they will be ready, I aſſure my ſelf, to ſupply the reſt.

For the other part, the firſt thing propounded by his Majeſty, was touching the Anſwer to be given to that Petition, and to the Demands of the Subjects in *Scotland*, upon which occaſion his Majeſty was pleaſed by thoſe great Officers and Miniſters of his that knew beſt, and underſtood the Laws and Uſages of that Kingdom, to expound their Demands particularly, and to make appear unto their Lordſhips upon every one, wherein they had exceeded the Articles of *Pacification*, which his Majeſty ever deſired might be the ſquare, and rule of the Treaty with them.

My Lords took into conſideration what was fit to be done; for his Majeſty then profeſſed, as he did often, during the time of that Council, to be wholly ruled, guided, and directed by their advice. For the Honour of this Nation, and Safety of it, he did leave it to their Wiſdoms and Conſiderations, againſt whoſe Advice, and without whoſe Judgments and Advice, he would do nothing.

My Lords, howſoever they had received this Information, and Explanation upon every particular of their Demands, yet in Juſtice they thought it was fit to hear what could be ſaid on the other ſide, how the objections might be anſwered, and what objections might be made by them againſt that which ſeemed to be plain enough.

For this purpoſe they were all of Opinion, and his Majeſty was pleaſed to be of the ſame Opinion, That ſome Lords ſelected and truſted by that great Council, ſhould treat with thoſe Subjects of *Scotland* upon all thoſe Particulars, to the end, that they might ſee what they did clearly intend; that ſo a firm Peace, which was moſt deſired from us, might be had, or a Juſt War be begun.

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My Lords of the Great Council, that were appointed for that purpoſe, were the Earls of *Bedford*, *Hertford*, *Eſſex*, *Salisbury*, *Warwick*, *Briſtol*, *Holland*, and *Berkſhire*; the Barons were, the Lords *Wharton*, *Paget*, *Kimbolton*, *Brook*, *Pawlet*, *Howard* of *Eſcrick*, *Savile*, and *Dunſmore*.

After which choice, and ſome general Inſtructions proceeding from the Debate and Diſcourſes in that great Council, a Commiſſion under the Great Seal was given to them, to enable them to treat and conclude as they in their Wiſdoms and Judgments ſhould think fit.

The Place appointed for this Treaty was at *Rippon*, where the Lords Commiſſioners wanted the happineſs of that, which they and we had at *York*, his Majeſty's Preſence. And that might be the occaſion that more time was ſpent in it, than otherwiſe would have been: Yet my Lords omitted not their parts, but were deſirous to look into the depth, to ſee the utmoſt extent of their demands.

But before thoſe of *Scotland* could come to the main Treaty, to explain themſelves touching their Demands, they made a Preparatory Demand for maintenance for their Army, and did go ſo high as to demand Forty thouſand pounds a month. *My Lords* (that were very unwilling to do any Act, or make any Order whatſoever, as I have opened unto you, for the ſuſtenance, maintenance, and keeping afoot his Majeſty's Army, without this Great Aſſembly, which yet they all held fit ſhould not be diſbanded) were much ſtartled at the demand of Maintenance for an Army, which was not the King's, and which they did wiſh could not continue.

But my Lords, as under that name they could not hear it, yet they took into conſideration the miſerable condition of *Northumberland*, the *Biſhoprick* of *Durham*, and *Newcaſtle*; they took into conſideration too, the Counties of *Cumberland*, and *Weſtmorland*, which if the *Scotiſh* Army ſhould enter, were ſcarce able at this time to defend themſelves, and it was inconvenient to bring the King's Army thither.

Nay, their Lordſhips were ſatisfied, that the *County* of *York* was in danger, and that not to be prevented, but by a Battel, if the *Scots* came on with an Army. And my Lords were loth, where there were ſuch odds, that a Battel ſhould be adventured. And if the *County* of *York* ſhould be in danger, we might quickly foreſee how the danger might run over the whole Kingdom.

And my Lords, as well thoſe that remained at *York*, as thoſe at *Rippon*, having received Complaints from the *Biſhop* of *Durham*, and from *Northumberland* and *Newcaſtle*, and the Mayor of *Newcaſtle* being impriſoned, and ſome of his Brethren, (as was repreſented unto them) kept without Fire or Candle; and having heard of divers Waſts and Spoils done in the Countrey, my Lords did think fit, That ſince the Counties of *Northumberland*, the Biſhoprick of *Durham*, and *Newcaſtle*, had already made a Compoſition and Agreement, That they would at leaſt ratifie and confirm the Compoſition and Agreement, ſo as there might be a Ceſſation of Arms and Acts of Hoſtility; and that they which had fled from their dwellings in theſe Counties, might return in Safety. My Lords, for theſe Reaſons thought fit at preſent to give way unto them, rather than to hazard ſo great Calamity and Affliction as would have fallen on thoſe Counties: Hereupon they did conclude for 850 *l. per diem*; and this to continue for Two Months, if the Treaty before took not effect; the Two Months to begin from the 16*th* of *October*: Then they took Articles for the Ceſſation of Arms. So as now the ſtate and condition of things, as they were acted, I have ſhortly and ſummarily delivered to you: I dare not venture on too many particulars, leſt my memory ſhould fail; and if I have not done his Majeſties Command, I beg his Majeſty's Pardon.

And, *My Lords*, of what weight and importance this is to the whole Kingdom; what deep Conſideration it requires in our Affection; what unſuſpected Affections we had need bring with us, is eaſie to judge.

It is his Majeſties Pleaſure, That You of the Houſe of Commons repair to your own Houſe, to Chuſe your Speaker, whom his Majeſty expects you will preſent to him on *Thurſday* next, at Two of the Clock in the Afternoon.

The King's Speech, and the Lord Keeper's being ended, the Members returned to the Houſe of *Commons*, and Sir *Henry Vane*, the Elder, firſt broke Silence, putting them in mind of the cuſtom of Chuſing a Speaker, and propoſed *William Lenthall*, Eſq;, a Bencher of *Lincolns*-Inn, who with One Conſent was called to the *Chair*: He ſtood up, and deſired to be excuſed, for the Weightineſs of the Affairs, and for his Own

ſake,

ſake, knowing his own weakneſs; or at leaſt for their ſakes: But they called him the more, *To the Chair, To the Chair*; and Two Members of the Houſe, the one on the Right hand, and the other on the left, led him up; and after he was placed in the Chair, the Houſe adjourned till *Thurſday* the Fifth of *November*, at Nine of the Clock. 16 *Caroli.*

Upon *November* the Fifth, the King came again to the Houſe of Peers, where he made another Speech, in theſe terms:

My Lords,

I Do expect, That you will haſtily make relation to the Houſe of Commons, of theſe Great Affairs for which I have called you hither at this time, and alſo the Truſt I have repoſed in them, and how freely I put my ſelf on their Love and Affections; and that you may know the better how to do ſo, I ſhall explain my ſelf as concerning one thing I ſpake the laſt day: I told you the Rebels muſt be put out of this Kingdom; it's true, I muſt needs call them ſo, ſo long as they have an Army that doth invade us; and altho I am under Treaty with them, and under my Great Seal do call them my Subjects; for ſo they are too. But the ſtate of my Affairs in ſhort is this: It's true, I did expect when I called my Lords and Great ones at *York* to have given a Gracious Anſwer to all their Grievances; for I was in good hopes, by their Wiſdoms and Aſſiſtances, to have made an end of that Buſineſs: But I muſt tell you, That my Subjects of *Scotland* did ſo delay them, that it was not poſſible to end there. The King's Speech to the Lords, *Nov.* 5.

Therefore I can no ways blame my Lords that were at *Rippon*, that the Treaty was not ended; but muſt thank them for their Pains and Induſtry; and certainly had they as much Power as Affections, I ſhould by that time have brought theſe Diſtempers to a happy Period: So that now the Treaty is tranſported from *Rippon* to *London*; where I ſhall conclude nothing without your knowledge; and I doubt not, but by your approbation; for I do not deſire to have this great Work done in a corner: For I ſhall open all the ſteps of this miſunderſtanding, and Cauſes of this great difference between Me and my Subjects of *Scotland*; and I doubt not by your aſſiſtance to make them know their Duty, and to make them return, whether they will or no.

The ſame day the Houſe of Commons preſented their Speaker to the King, in the Houſe of Peers, who ſpake to the effect following:

Mᵗ Gracious and Dread Sovereign,

IN all ſubmiſſive humbleneſs, the Knights, Citizens, and Burgeſſes of the Houſe of Commons are here aſſembled; who taking along with them your gracious inclination, have deſign'd me their Speaker, according to their Ancient Liberties. Mr. *Lenthall's* Speech to be Excuſed from being Speaker.

Whereas I cannot but lament to think, how great a Miſt may overcaſt the Hopes of this Seſſions; yet is it a note of Favour to me, who cannot but judge my ſelf unfit for ſo great an Employment, and which appears ſo to the whole world.

Many there be of deep Judgment, and great Experience, that might have added Luſtre to this Action, and Expedition to the Work, if they had pleaſed to have left me in that mean condition they found me;

Non mihi tacuiſſe nocet, Nocet eſſe locutum.

and then might your Sacred and Pious Intentions have had their full advancement.

But is it yet too late? May I not appeal to *Cæſar*? Yes, I may; and in the loweſt poſture of humility, I humbly beſeech your Sacred Majeſty to interpoſe your Royal Authority to Command a review of the Houſe, for there were never more than now fitted for ſuch Employments.

Then my Lord Keeper, by His Majeſty's direction, Approved of him, and the *Commons* Choice; upon which he proceeded thus:

It pleaſeth not your Majeſty to vouchſafe a change: Actions of Kings are not to be by me reaſoned.

Therefore being emboldened by this Gracious Approbation, give me leave a little, Dread Sovereign, to expreſs my Thoughts unto our Gracious Lord the King.

An. 1640.

I ſee before my eyes the Majeſty of *Great Britain*, the Glory of Times, the Hiſtory of Honour, *Charles* the Firſt, in his fore-front, placed by deſcent of ancient Kings, ſettled by a long Succeſſion, and continued to us by a Pious and Peaceful Government.

On the one ſide, the Monument of Glory, the Progeny of Valiant and Puiſſant Princes, the Queens moſt Excellent Majeſty.

On the other ſide, the hopes of Poſterity, and Joy of this Nation, thoſe Olive Branches ſet round Your Tables, Emblems of Peace to Poſterity.

Here ſhine thoſe Lights and Lamps placed in a Mount, which attend Your Sacred Majeſty as Supream Head, and borrow from you the ſplendor of their Government.

There, the true ſtate of Nobility, Figures of Proweſs, and Magnanimity, fitted by their long Contracted Honour in their Blood, for the Council of Princes.

In the midſt of thoſe, the Reverend Judges, whither both Parties (as to the Oracles of Judgment and Juſtice) may reſort, Ciſterns that hold fair waters, wherein each deviation, each wrinkle is diſcernable, and from whence (as from the Center) each crooked line ought to be levelled; the Footſtool of Your Throne is fixed there, which renders you Glorious to all Poſterity.

Here, we the Knights, Citizens, and Burgeſſes of the Commons Houſe, at Your Royal Feet, contracted from all Parts of Your Kingdom, Enſigns of Obedience and Humility; all theſe united by the Law equally diſtributed, which cements this Great Body to the Obedience of Your Sacred Majeſty. And compels as well the hearts, as the hands, to contribute for the Preſervation of Your Majeſty and the Common Intereſt, Diſſipates the Invaders of the Church and Common-wealth, and diſcovers the Impoſtures, but (give me leave, Dread Sovereign) knits the Crown to the Sacred Temples, and frees Majeſty from the Interpretation of miſdoing. Amongſt theſe, this Great Council is moſt ſovereign againſt the Diſtempers of this Nation.

Were they infeſted at Sea, troubled at home, or invaded from abroad, here was the Sanctuary of refuge, hither was the reſort, and no other way found for a foundation of Peace.

It is reported of *Conſtantine* the Great, That he accounted *his Subjects Purſe his Exchequer*, and ſo it is. Subtile inventions may pick the Purſe, but nothing can Open it but a Parliament, which lets in the eye of Sovereignty upon the publick Maladies of the State, and vigilancy for the preſervation of our ancient Liberties. For this, we need not ſearch into Antiquity; if we look but a little back, there we ſhall ſee our Juſt Liberties Graciouſly confirmed by Your moſt Sacred Majeſty.

And is our Happineſs ſhut up in the remembrance of times paſt only? No! thoſe Gracious Expreſſions lately fallen from Your Sacred Lips, as Honey from the Comb, make glad the hearts of Your People.

So that now we do more than promiſe to our ſelves a large and free conſideration of the Ways to compoſe the Diſtempers of theſe Kingdoms, and then preſent them to Your Royal Hands for Perfection.

And ſuch ſhall be our Deportment, that as we ſhall labour the continuance of our Liberties, ſo ſhall we carry a high regard to preſerve that Sovereign Power, wherewith Your Majeſty is inveſted for the preſervation of Your Kingdom, and to render your Sacred Majeſty Terrible to the Nations abroad, and Glorious at home.

Are theſe the Fruits we have enjoyed by Parliaments? We cannot then but wonder at that horrid invention in this place projected, *monſtrum horrendum, informe, ingens*; but the Lord be thanked, *cui lumen ademptum eſt*. Can this receive a palliation? Men, Fathers, and Brethren, and all at one blaſt; no reverence to Sacred Bones of Princes! were we not all in a lump by them intended to be offered up to *Moloch*?

Let us never forget this Days Solemnization. But whither! It is too much boldneſs to preſume longer upon Your Majeſties Grace and Goodneſs; and therefore for the better expedition of this Service, we humbly deſire;

Firſt, That our Selves and Servants may obtain freedom from Arreſt of their Perſons and Goods.

Secondly, That we may have free liberty of ſpeech, without confinement, with a full and free debate.

Thirdly, That Your Majeſty will vouchſafe our repair to Your Sacred Perſon, upon matters of importance, according to the ancient Priviledges of the Houſe.

That

That with ſuch alacrity we may now proceed to manifeſt to the World, that Our retirements were to reinforce a greater Unity and Duty; and to endeavour a ſweet violence, which may compel (pardon dread Soveraign the word *Compel*) Your Majeſty to the love of Parliaments. *16 Caroli.*

And God will have the Honour, Your ſacred Majeſty the Splendour, the Kingdom Safety, and all our Votes ſhall paſs, That Your Sacred Majeſty may long, long, long Reign over us, and let all the People ſay, *Amen.*

Afterwards the Commons returned to their Houſe; and now the King's Mace was Carried before the Speaker; who ſo ſoon as he aſſumed the Chair, had the Mace laid upon the Table, and in the firſt place the Houſe ſetled the Grand Committee for Priviledges, and Elections, which uſually had wont to conſiſt of 40 in Number. Committe of Priviledges and Elections Choſen in the firſt place.

But Mr. *Elſing*, the Clerk, in ſetting down their Names, haſtily writ down 47. Whereupon it was moved to reduce the Number to Forty; but the ſenſe of the Houſe was, they ſhould ſtand who were named, it being no wilful Miſtake of the Clerk, for that the Names were called on in a confuſed manner, which might make his Pen unawares increaſe the Number above Forty; and Mr. *Maynard* was Choſen Chairman of that Committee at the firſt time of their Meeting. Mr. *Maynard* choſen Chairman to that Committee.

This Committee is appointed to Examine and Conſider of all Queſtions that grow and ariſe in Parliament about Elections, Returns, or other Priviledges of the Houſe, and to report their Opinions and Proceedings therein to the Houſe, and have Power to ſend for Records, Parties, Witneſſes, *&c.* and to hear Councel, and for that Service to meet this Afternoon; and after, every *Saturday*, *Tueſday* and *Thurſday* in the Star-Chamber at Two of the Clock. Power given to the Committee for Priviledges and Elections.

Ordered, That it ſhould be referred to the Committee for Priviledges to conſider of the Claims and Intereſt of all ſuch Burroughs, as pretend to have any Title to return any Members to ſit in this Houſe, and have of late times been diſcontinued. *Nov. 6.*

It was farther Ordered, That all ſuch as will Queſtion any Elections, now preſently Returned, ſhall do the ſame by Petition within 14 days; and thoſe that ſhall Queſtion any Elections to be hereafter returned, ſhall likewiſe do the ſame within 14 days after their reſpective Returns. Time to queſtion Elections.

Upon the Debate of granting time, to thoſe that are doubly returned, for making their Choice for which place they will ſerve;

It was Reſolved upon the Queſtion, *That all ſuch as are doubly returned, ſhall make their Election for which Place they will ſerve, on* Monday *next, or before.* Double Returns.

In the next place the Houſe proceeded to ſettle their *Grand Committees*, and Ordered a Committe of the whole Houſe for *Religion*, to meet every *Monday* at Two of the Clock in the Afternoon in the Houſe. Grand Committees. For Religion.

A Committee of the whole Houſe, for *Grievances*, to meet every *Wedneſday* at Two of the Clock in the Afternoon, in the Houſe. For Grievances.

A Committee of the whole Houſe, for *Courts of Juſtice*, to meet every *Friday* at Two of the Clock in the Afternoon in the Houſe. Courts of Juſtice.

Theſe Committees have Power to ſend for Writings, Books, Records, Papers, Officers, Parties and Witneſſes, and to aſſign and hear Council, and are to report their Opinions and Proceedings to the Houſe.

And the like Order for a Committee of the whole Houſe for *Trade*, to meet every *Tueſday*. Committee for Trade.

It was moved, That theſe Grand Committees might be Ordered, to have Power to make Sub-Committees; but it was declared by the Houſe, that That Power was incident unto them, without any further Order.

An. 1640.

Grand Committee for *Iriſh* Affairs.

It was moved and ſeconded in the Houſe, That a Committee of the whole Houſe might conſider of the Petitions and Complaints which are come out of *Ireland*; which Motion finding ſome oppoſition, It was put to the Queſtion, Whether the *Iriſh* Affairs ſhould be referred to a Committee of the whole Houſe? (others being for a Select Committee.) The Houſe was divided, and the *Yea*'s went forth, and the *No*'s ſtajd in; but it was carried in the Affirmative; whereupon it was Reſolved upon the Queſtion, That the *Iriſh* Affairs ſhall be referred to a Committee of the Whole Houſe, to meet to morrow, being *November* the *7th*, in the Afternoon, at Two of the Clock, in the Houſe, and afterwards every *Thurſday*, at the ſame hour and place; and this Committe is to have the like power as the other Grand Committees of the whole Houſe have.

Catalogue of Bills.

The Houſe proceeded according to Cuſtom, and Ordered, That a Catalogue of all the Bills remaining in the laſt Seſſion of Parliament, be brought here on *Monday* next, by the Clerk; and afterwards they proceeded to Read one of thoſe Bills, which was, An Act concerning the Converſion of Tillage into Paſture; (Read the Firſt time).

Bill againſt turning Tillage into Paſture.

Nov. 7. Mrs. *Baſtwick*, and Mrs. *Burton* Petition.

Upon *Saturday*, *Nov.* 7. The Firſt Petition which was preferred and read in the Houſe, was that of *Suſannah Baſtwick*; and afterwards, another of *Sarah Burton*, on the behalf of their reſpective Husbands, cloſe Priſoners in remote Iſlands; Complaining of the ſevere Sentence of the Court of Star-Chamber, inflicted upon them in the Pillory; and that the Petitioners, their Wives, were by particular Order not to be permitted to come and viſit their Husbands. Whereupon the Houſe Ordered, *That their ſaid Husbands ſhall be forthwith ſent for to the Parliament, in ſafe Cuſtody, by Warrant of this Houſe, directed to the Governors of the Iſles where they are Priſoners, and to the Captains of the Caſtles there; and that the Cauſe of their Detainer may be certified hither alſo.*

John Brown's Petition on the behalf of his Maſter Mr. *Prynn.*

The next Petition preferred, was that of *John Brown*, a Servant to Mr. *Prynn*, cloſe Priſoner in the Iſle of *Jerſey*, complaining of the Sentence in the *Star-Chamber* againſt his Maſter, and the Cruel putting it in Execution; and of his Baniſhment to a remote Iſland; deſiring the Houſe would ſend for his Maſter, more fully to make known his Caſe: And the Houſe made the like Order for him, as was made for Dr. *Baſtwick*.

The Petition of *John Lilburn.*

The next was the Petition of *John Lilburn*, cloſe Priſoner in the *Fleet*, complaining of the Sentence ſeverely inflicted upon him by the Court of Star-Chamber: Whereupon it was Ordered, *That he ſhould have Liberty, by Warrant of this Houſe, to go abroad in ſafe Cuſtody, to proſecute his Petition Exhibited here; and that he be removed out of the Common Priſon, where now he is, into ſome more convenient Place, and have the Liberty of the Fleet:* And a Committe was appointed to take his Caſe into Conſideration.

The Petition of *Alex. Leighton.*

Then the Petition of *Alexander Leighton* was read, complaining of the Sentence againſt him in the Star-Chamber, and ſmart Execution thereof, being firſt Whipt, his Noſe ſlit, branded in both Cheeks with a Red-hot Iron, his Ears cut off, and cloſe Impriſonment: Whereupon a like Order was made concerning him, as for *John Lilburn*.

Jenning's Petition.

The Petition of *Alexander Jennings*, of the County of *Bucks*, was likewiſe read, complaining, That the Court of King's-Bench had deferred to Diſcharge or Bail him, being a Priſoner in the Fleet, by Warrant from the Lords of the Council, *without any Cauſe expreſſed*; and being brought up by *Habeas Corpus*, to the Bar of the Court of King's-Bench, the Writ and Return being read in Court, and the Return expreſſing no Cauſe of his Commitment, the Judges *Remanded* him to Priſon,

Priſon, and adviſed him to bring a Certificate, That he had paid his Aſſeſsment for *Ship-money*, in the County of *Bucks*: And he further complained, That he met with the like hardſhip from that Court upon another *Habeas Corpus*, which he brought the next Term after; and the ſame Return made as at firſt; but could neither be Diſcharged nor Bail'd. Whereupon he was likewiſe Ordered to have Leave to proſecute his Petition, attended with a Keeper. 16 *Caroli.*

Much time was ſpent in hearing theſe and other Petitions; as alſo in Harangues and Speeches concerning the ſame, and other Grievances that had hapned during the long Intermiſſion of Parliaments.

The firſt Member that ſtood up at this time to repreſent the Grievances of his Countrey, was *Arthur Capel*, Eſq; then Knight of the Shire for the County of *Hertford*, afterwards Lord *Capel*, who preſented a Petition in the Name of the Freeholders of that County, ſetting forth the Burden and Oppreſſions of the People, during the long Intermiſſion of Parliament, in their Conſciences, Liberties, and Properties, and particularly in the heavy Tax of *Ship-Money*. Names of ſome of the Members who preſented Grievances.

Mr. *Henry Bellaſis* (Son to the Lord *Falconberg*) and *Ferdinando* Lord *Fairfax*, Knights of the Shire for the County of *York*, preſented a Petition of the Gentry and Freeholders in that County, complaining of the Grievances before-mentioned, but more eſpecially Repreſenting *Ship-Money* as a Great and Crying Grievance.

Sir *John Wray* did the like for *Lincolnſhire*, who was their Knight: Sir *Hugh Cholmely* preſented Grievances ſuffered by the Town of *Scarborough* in *Yorkſhire*: Sir *Philip Muſgrave*, for *Weſtmorland*: Sir *Francis Seymore*, for *Wilts*: Sir *John Packington*, for *Worceſterſhire*: Sir *Guy Palmes*, for *Rutland*: Sir *Edmund Montford*, for *Norfolk*: Sir *Tho. Barrington*, for *Eſſex*: Mr. *Will. Pierpoint*, for *Shropſhire*: Sir *John Culpeper*, for *Kent*: Sir *Anthony Irby*, for the Town of *Boſton* in *Lincolnſhire*; and divers other Knights and Burgeſſes did the like for other Counties and Burroughs.

Amongſt the reſt, Mr. *Pym* made the following Speech:

Mr. Speaker,

TO Redreſs Grievances, will not hinder, but further the Service of the King. To take away the Weights, does as much advantage Motion, as to add Wings. Mr. *Pym's* Speech.

I ſhall firſt inſtance ſeveral Heads of thoſe Grievances we labour under. 2. Demonſtrate them to be as hurtful to the King, as to the People. 3. That the Remedies will prove equally good to both of them.

The King can do no Wrong; The Law caſts all Miſcarriages upon the *Miniſters*: Thus the Influence of Heaven conveyeth Vigor into Sublunary Creatures; but the malignity of all Epidemical Diſeaſes proceedeth from the ill-affected qualities of the Earth or Air.

There are a Threefold ſort of Grievances: 1. Some againſt the Privilege of Parliament. 2. Others to the prejudice of Religion. 3. Some againſt the Liberty of the Subject.

For the Firſt, The Members are free from Arreſts; to have Liberty of Speech; a *Legiſlative*, *Judiciary*, and *Conciliary* Power; being the ſame to the Body Politick, as the Faculties of the Soul to a Man.

Theſe Privileges have been broken: Firſt, in reſtraining the Members from ſpeaking. 2. In forbidding the Speaker to put a Queſtion: Both of theſe practiſed in the laſt Parliament. 3. By Impriſoning divers Members for matters done in Parliament. 4. By Proceedings againſt them for the ſame in the Inferior Courts: 5. Enjoyning them to give Security for their good Behaviour, and continuing them in Priſon, even to the Death. 6. In abrupt Diſſolutions of Parliament: The great Grievance; like the Execution of a man, without being heard: It receives a Being by the Summons, and a Civil Death by Diſſolution; not only thereby to dye, but to be made *Inteſtabiles*, uncapable of making their *Wills*, the good Acts that they were about.

The

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The ſecond is, Encouragement of *Popery*: Firſt, By *Suſpenſion* of Laws againſt them: Now 'tis certain, there can be no Security from Papiſts, but in their Diſability; Their Principles are incompatible with any other Religion; Laws will not reſtrain them, nor *Oaths*; for the Pope diſpenſeth with both; and his Command acts them againſt the Realm in Spirituals and Temporals *in Ordine ad Spiritualia*: *Henry* the Third, and *Henry* the Fourth of *France*, were no Proteſtants, yet were murthered becauſe they tolerated Reformation. 2. By allowing them Places of Truſt and Honour in the Commonwealth. 3. Their free Reſort to *London*, and to the Court, to communicate their Counſels and Deſigns, diving into the Secrets of State. 4. That as they have a Congregation of Cardinals at *Rome*, for advancing the Pope's Authority in *England*; ſo have they a *Nuncio* here, for the Execution thereof.

Then as to *Innovations* of Religion introduced: Firſt, Maintenance of *Popiſh Tenets*, in Books, Sermons, and Diſputations. 2. Practice of *Popiſh Ceremonies* countenanced and enjoined, as Altars, Images, Crucifixes, Bowings, &c. Theſe I may in ſome reſpect compare to the *Dry Bones* in *Ezekiel*; which firſt came together, then *Sinews and Fleſh* came upon them, afterwards the *Skin* cover'd them, and then *Breath* and *Life* was put into them; ſo firſt the *Form*, then the *Spirit and Life* of Popery was to come amongſt us. 3. Preferment of Perſons Popiſhly affected. 4. The diſcouragement of Proteſtants by over-rigid Proſecutions of the ſcrupulous for things indifferent: No *Vice* made ſo great as *Inconformity*; by Puniſhing without Law, for not Reading the Book for *Sunday Recreations*; for not removing the Communion Table otherwiſe; for not coming to the *Rails* to receive the Communion; for Preaching on the Lords Day in the Afternoon: for *Catechiſing* otherwiſe than as in the ſhort Catechiſm in the Common-Prayer-Book. 5. By incroachment of Eccleſiaſtical Juriſdiction; Particularly, 1. In *Fining* and Impriſoning without Law. 2. Challenging their Juriſdiction to be appropriated to their Order *Jure Divino*. 3. Contriving and Publiſhing new Articles of Viſitation, new Canons, and the boldneſs of Biſhops, and all their ſubordinate Officers and Officials.

As to the Third ſort of Grievances, I ſhall obſerve rather the order of Time when they were acted, than the Conſequence; But when we come to the *Cure*, it will be beſt to begin with the moſt important.

There is Firſt *Tunnage and Poundage*, and the late new Book of Rates taken by Prerogative, without Grant of Parliament; from whence theſe Inconveniences follow: 1. Mens goods are ſeized, their Suits ſtopt. 2. Miſimployment of the Sums of Money impoſed; for though intended for the *Guard of the Seas*, they are diſpoſed to other uſes, and a new Tax raiſed for the ſame purpoſe. 3. The Burthen exceſſive, Trade hindred, home-Commodities abaſed, and Foreign Inhanſed; by which means the Stock of the Kingdom is diminiſhed, eſpecially inſupportable to the poor Planters in *America*, by the Tax upon *Tobacco*.

There is *Compoſition for Knighthood*; which though it refers to a former Cuſtom, yet upon the ſame Grounds, the King may renew it by a new Fine; immoderate multiplication of Diſtreſs and Iſſues, and inforce them to compound with the Commiſſioners. An Inundation of *Monopolies* undertaken by Papiſts, and full of Miſchief. *1ſt.* By Impairing the Goodneſs, and Inhanſing the Price of *Salt*, *Soap*, *Beer*, *Coals*, &c. *2dly.* Under colour of which, Trade was reſtrained to a few hands. *3dly.* Many perſons thereupon Illegally Impriſoned.

But the great and unparallel'd Grievance, is the *Ship-money*, being aggravated, not ſupported by the Judgment, which is not grounded upon Law, Cuſtom, Preſident, or Authority: It being improper for a Caſe of Neceſſity, and abounding in variety of Miſchief. As, *1ſt.* The General Extent to all Perſons, all Times, and the Subject left remedileſs. *2dly.* The Arbitrary proportion without Limits. *3dly.* Impoſed by Writ, and diſpoſed by Inſtructions. *Improper*, for the Office of a Sheriff in the Inland Counties, and inconvenient for the Inhabitants; without rule, or ſuitable means for the levying or managing of it.

The inlargements of *Foreſts* beyond the Bounds of the Statutes, 27 & 28. *Ed.* 1. which perambulations then were the cauſe of that famous *Charta de Foreſta*; And now reviving theſe old Queſtions, new Diſtempers may follow, and particular obliquities we may already obſerve, and Surreptitious Proceedings, as in *Eſſex*; yet that Verdict was inforced in other Counties, and a Judgment upon the matter after Three or Four Hundred Years quiet Poſſeſſion of the Subject, who thereupon is forced to compound for great Fines.

The ſelling of *Nuſances*; The King as a Father of the Commonwealth, is to take Care of the Publick Commodities and Advantages of the Subjects, as Rivers, Highways,

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Highways, and Common-Sewers, by ordinary Writs *Ad quod Dammum*: But now by a courſe Extrajudicial, by inforcing Compoſitions; ſo then, if really it be a *Nuſance* that is compounded for, 'tis an hurt to the People; if *no Nuſance*, then 'tis a grand prejudice to the Party.

The Commiſſion for *Buildings* about *London*, was preſented as a Grievance in the time of King *James*, now much more Increaſed, and [illegible]h more Prejudicial.

The Commiſſion for *Depopulations* began ſome few [illegible]ars ſince; by both theſe Commiſſions, the Subject is reſtrained from diſpoſing of his own; demoliſhing their Houſes, puniſhing and fining their Perſons for that, for which they are ſtill liable by Law; for the King cannot Licenſe a Nuſance; and although theſe are not Nuſances, yet it is of ill conſequence to be compounded for, and may make a preſident for Kings to Licenſe ſuch things as are Nuſances indeed.

Military Charges ought not to be laid upon the People by Warrant of the King's Hand, nor by Letters of the Council-Table, nor by order of the Lords Lieutenants of Counties, nor their Deputies. It began to be practiſed as a Loan for Supply of *Coat and Conduct Money* in Queen *Elizabeth's* time, with promiſe to be Repaid it, as appears by a *Conſtat*-Warrant in the Exchequer, and certain Payments: But now-a-days never Repaid. The firſt particular brought into a Tax, was, the *Muſter-Maſters Wages*; which being but for a ſmall ſum, was generally digeſted: Yet in the laſt Parliament, it was deſigned to be Remedied. But now there follows *Preſſing* of men againſt their Wills, or to find others. *2dly.* Proviſions for publick Magazines, for Powder, Spades and Pickaxes. *3dly.* Salary of Officers, Cart-horſes, Carts, and ſuch like.

The Extrajudicial Declarations of Judges without hearing of Council or Argument; a teeming Grievance productive of many others.

Monopolies countenanced by the Council-Table, and the clauſe in their Patents of Monopolies, commanding the Juſtices of Peace to Aſſiſt them; whereby the great Abilities of that Honourable Board, receive a ſtain by ſuch matters of ſo mean a report in the Eſtimation of the Law, ſo ill in the Apprehenſion of the People.

The High Court of *Star-Chamber*, called in the Parliament Rolls *Magnum Concilium*, to which the Parliaments were wont to refer ſuch matters as they had not time to determine: A Court erected againſt oppreſſion; a Court of Councels, and a Court of Juſtice; now an Inſtrument of erecting and defending Monopolies, to ſet a face of publick good on things pernicious.

That great and moſt eminent Power of the King in *Edicts* and *Proclamations*, called *Leges Temporis*, uſed heretofore to encounter with ſudden and unexpected danger, till the *Great Council* of the King could be called, hath of late been exerciſed for enjoining and maintaining Monopolies.

But the laſt and greateſt Grievance leads us a ſtep higher, even as high as Heaven, as the Throne of God, his Word and Truth. The ambitious and corrupt Clergy, *Preaching* down the Laws of God, and *Liberties* of the Kingdom; pretending Divine Authority and Abſolute Power in the King, *to do what he will* with us; and this Preaching is the high-way to Preferment; as one *Manwaring* Sentenc'd in the former Parliament for this Doctrine, then a *Doctor*, is now become a *Biſhop*.

The Interm iſſion of Parliaments contrary to the Statute, whereby they are to be called *once a Year*; is the main cauſe of all theſe and other Miſchiefs, to which Parliaments give Remedy.

Theſe Grievances are as well hurtful to the King as to the Subjects, By interrupting their Communion; they have need of his general Pardon, and to be ſecured from *Projectors* and *Informers*; to be freed from *Obſolete Laws*, and from the ſubtle devices of ſuch who ſeek to ſtrain the Prerogative to their own private Advantage, and the Publick Hurt; and the King hath need of them for *Counſel*, for Support. Queen *Elizabeth's* Victorious Attempts, were upon the moſt part carryed on upon the Subjects Purſes, and not upon her own; tho the Honour and Profit were Hers. Theſe diſcontents at home diminiſh the King's *Reputation* abroad; and diſadvantage his Treaties, and weaken his Party beyond Seas, by encouraging *Popery*; by forcing the Subjects to leave the Kingdom, to the prejudice of the King's Cuſtoms and Subſidies. As for inſtance: Divers *Clothiers* forced away, who ſet up their Manufacture abroad to the hurt of the Kingdom. The King hath received upon the Monopoly of Wines, *Thirty thouſand Pounds per Ann.* The Vintner pays Forty Shillings *per* Tun, which comes to Ninety thouſand Pounds: The Price upon the Subject by Retail is increaſed Two-pence a Quart, which comes to Eight Pounds a Tun; and ſo Forty five thouſand Tun brought in Yearly, amounts to *Three hundred ſixty thouſand Pounds*;

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Pounds: which is Three hundred and thirty Thouſand Pounds *loſs* to the Kingdom, above the King's Receit.

Now the Remedies, and removing theſe Grievances, conſiſts of two main branches, in *Declaring the Law* where it is doubtful; and in providing for the Execution of the Law where it is *Clear*. But theſe I refer to a further time, and for the preſent adviſe ſpeedily to deſire a Conf[illegible]r with the Lords touching *Grievances*; and always to Humble our ſelves for God's aſſiſtance.

Sir *Benjamin Rudyards* SPEECH. *Nov.* 7. 1640.

Mr. *Speaker*,

WE are here Aſſembled to do God's buſineſs and the King's, in which our *Own* is included, as we are *Chriſtians*, as we are *Subjects*: Let us firſt Fear God, then ſhall we Honour the King the more: For I am afraid we have been the leſs proſperous in Parliaments, becauſe we have preferred other matters before Him. Let Religion be our *primum quærite*, for all things elſe are but *et cætera's* to it; yet we may have them too, ſooner and ſurer, if we give God his Precedence.

We well know what Diſturbance hath been brought upon the Church for vain *petty trifles*: How the whole Church, the whole Kingdom hath been troubled where to place a *Metaphor*, an *Altar*. We have ſeen Miniſters, their Wives, Children, and Families undone, againſt Law, againſt Conſcience, againſt all bowels of Compaſſion, about not *Dancing on Sundays*. What do theſe ſort of men think will become of themſelves, when the *Maſter of the houſe* ſhall come, and find them thus beating their fellow-Servants? Theſe inventions were but *Sives* made on purpoſe to winnow the *beſt men*, and that's the Devil's occupation; they have a mind to worry *Preaching*; for I never yet heard of any but diligent Preachers, that were vext with theſe and the like devices. They deſpiſe Prophecy, and as one ſaid, they would fain be at ſomething were like the *Maſs*, that will not *Bite*: A *Muzzl'd Religion*. They would evaporate and diſpirit the Power and Vigour of Religion, by drawing it out into ſolemn, ſpecious *Formalities*, into obſolete antiquitated *Ceremonies* new furbiſh'd up: And this (be-like) is the *good work* in hand, which Dr. *Heylin* hath ſo often celebrated in his bold Pamphlets. All their Arts and Actions are ſo full of mixtures, involutions, and complications, as nothing is *clear*, nothing ſincere in any of their Proceedings; let them not ſay, that theſe are the *perverſe ſuſpitions and* malicious interpretations of ſome few *factious* Spirits amongſt us; when a *Romaniſt* hath bragged, and congratulated in Print, That *the face of our Church begins to alter, the language of our Religion to change*: And *Sancta Clara* hath Publiſhed, That *if a Synod were held, Non intermixtis Puritanis* (Setting Puritans aſide) *our Articles, and their Religion would ſoon be agreed*. They have ſo brought it to paſs, that under the Name of *Puritans*, all our Religion is branded; and under a few hard words *againſt Jeſuites*, all *Popery* is countenanced.

☞ Whoſoever ſquares his Actions by any Rule, either Divine or Humane, he is a *Puritan*; whoſoever would be governed by the King's Laws, he is a *Puritan*; he that will not do whatſoever other men would have him do, *he is a Puritan*: Their great work, their Maſterpiece, now is to make all thoſe of the Religion, to be the *ſuſpected Party* of the Kingdom.

Let us further reflect upon the ill effect theſe Courſes have wrought, what by a *defection* from us on the one ſide, and a *ſeparation* on the other; ſome imagining whither we are tending, made haſte to turn or declare themſelves *Papiſts* before-hand; thereby hoping to render themſelves the more Gracious, the more Acceptable. A great multitude of the King's Subjects, ſtriving to hold Communion with us, but ſeeing how *far* we were gone, and fearing how much further we would go, were forced to *Flye the Land*, ſome into other inhabited Countries, very many into Savage *Wilderneſſes*, becauſe the Land would not bear them: Do not they that cauſe theſe things, caſt a *Reproach* upon the Government?

Mr. *Speaker*, Let it be our principal Care, That theſe ways neither *continue* nor *return* upon us: If we ſecure our Religion, we ſhall cut off and defeat many Plots that are now on foot by them and others: Believe it Sir, *Religion* hath been for a long time, and ſtill is the great deſign upon this Kingdom; it is a known and practiſed Principle, That they who would introduce another Religion into the Church, muſt firſt Trouble and Diſorder the Government of the *State*, that ſo they may work their ends in a Confuſion, which now lyes at the door.

I come

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I come next, Mr. *Speaker*, to the *King's Buſineſs* more particularly, which indeed is the Kingdoms, for one hath no exiſtence, no being without the other, their relation is ſo near; yet ſome have ſtrongly and ſubtilly laboured a divorce, which hath been the very *bane* both of King and Kingdom.

When Foundations are ſhaken, it is high time to look to the Building; he hath no Heart, no Head, no Sence, that is not moved in his whole man, to look upon the diſtreſſes, the miſeries of the Common-wealth; that is not forward in all that he is, and hath, to redreſs them in a right way.

The King likewiſe is reduced to great *ſtraights*, wherein it were *undutifulneſs beyond inhumanity*, to take *advantage* of him: Let us rather make it an advantage for him, to do him *beſt Service*, when he hath *moſt need:* Not to ſeek our own good, but in him, and with him, elſe we ſhall commit the ſame crimes our ſelves, which we muſt condemn in others.

His Majeſty hath clearly and freely put himſelf into the hands of this Parliament, and I preſume, there is not *a Man* in this Houſe, but feels himſelf advanced in this high Truſt; but if he proſper no better in our hands than he hath done in *theirs*, who have hitherto had the handling of his Affairs, we ſhall for ever make our ſelves *unworthy* of ſo gracious a Confidence.

I have often thought and ſaid, That it muſt be ſome *great extremity*, that would recover and rectify this State; and when that extremity did come, it would be a great hazard whether it might prove a *Remedy* or *Ruine*. We are now, Mr. *Speaker*, upon that vertical turning point, and therefore it is no time to palliate, to foment our own undoing.

Let us ſet upon the *Remedy*. We muſt firſt know the *Diſeaſe:* But to diſcover the Diſeaſes of the State, is (according to ſome) to traduce the Government; yet others are of opinion, that this is the half way to the Cure.

His Majeſty is wiſer than they that have adviſed him, and therefore he cannot but ſee and feel their ſubverting, *deſtructive Councils*, which ſpeak louder than I can ſpeak of them; for they ring a doleful deadly *knell* over the whole Kingdom. His Majeſty beſt knows who they are: For us, let the matters bolt out the Men; their Actions diſcover them.

They are Men that talk loudly of the King's *Service*, and yet have done none but their own, and that's too evident.

They ſpeak highly of the King's *Power*; but they have made it a miſerable Power, that produceth nothing but *weakneſs*, both to the King and Kingdom.

They have exhauſted the King's *Revenue* to the bottom; nay through the bottom, and beyond.

They have ſpent *vaſt ſums* of Money waſtfully, fruitleſly, dangerouſly: So that *more Money*, without other Councels, will be but a ſwift undoing.

They have always peremptorily purſued one obſtinate pernicious courſe; Firſt, they bring things to an extremity, then they make that extremity of their own making, the *reaſon* of their next Action, ſeven times worſe than the former, and there we are at this inſtant.

They have almoſt ſpoiled the beſt inſtituted Government in the World, for *Soveraignity* in a King, *Liberty* to the Subject; the proportionable temper of both which, makes the happieſt State for Power, for Riches, for Duration.

They have unmannerly and ſlubberingly caſt all their Projects, all their Machinations *upon the King*; which no wiſe or good Miniſter of the State ever did, but would ſtill take all harſh, diſtaſtful things upon themſelves, to clear, to ſweeten their Maſter.

They have not ſuffered His Majeſty to appear unto his people, in his own native goodneſs.

They have *eclipſed* him by their interpoſition: But although groſs condenſe bodies, may obſcure, and hinder the *Sun* from ſhining out, yet he is ſtill the ſame in his own ſplendor: And when they are removed, all creatures under him are directed by his *Light*, comforted by his *Beams*. But they have framed a ſuperſtitious ſeeming Maxim of State for their own turn, That, if a King *will ſuffer Men to be torn from him*, he ſhall *never have any good ſervice done him*. When the plain Truth is, that this is the ſureſt way to preſerve a King from having *ill Servants* about him. And the Divine Truth likewiſe is, *Take away the wicked from the King, and his Throne ſhall be eſtabliſh'd.*

Mr. *Speaker*, now we ſee what the Sores are in general; and when more particulars ſhall appear, let us be very careful to draw out the *Cores* of them; not to

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skin them over with a ſlight Suppurating, Feſtring Cure, leſt they break out again into a greater miſchief; Conſider of it, conſult, and ſpeak your minds.

It hath heretofore been boaſted, That the *King ſhould never call a Parliament, till he had no need of his People:* Theſe were words of diviſion and malignity. The King muſt always, according to his occaſions, have uſe of his Peoples Power, Hearts, Hands, Purſes; The People will always have need of the King's Clemency, Juſtice, Protection: And this *reciprocation* is the ſweeteſt, the ſtrongeſt Union.

It hath been ſaid too of late, That a Parliament will *take away more from the King, than they will give him*; It may well be ſaid, That thoſe things which fall away of themſelves, will inable the Subjects to give him more than can be taken any way elſe. Projects and Monopolies are but *leaking* Conduit Pipes; the Exchequer it ſelf, at the fulleſt, is but a *Ciſtern*, and now a *broken* one: *Frequent Parliaments* only are the *Fountain:* And I do not doubt but in this Parliament, as we ſhall be free in our Advices, ſo ſhall we be the more *free of our Purſes*; that His Majeſty may experimentally find the real difference of better Councils, the true ſolid grounds of raiſing and eſtabliſhing his greatneſs, never to be brought again (by God's bleſſing) to ſuch dangerous, ſuch deſperate perplexities.

Mr. *Speaker*, I confeſs I have now gone in a way much againſt my Nature, and ſomewhat againſt my *Cuſtom* heretofore uſed in this place; but the deplorable, diſmal condition both of Church and State, have ſo far wrought upon my Judgement, as it hath convinced my diſpoſition; yet I am not *vir ſanguinum*, I love no mans ruin; I thank God, I neither *hate* any Mans perſon, nor *envy* any mans fortune; only I am zealous for a thorow Reformation, in a time that exacts it, that extorts it. Which I humbly beſeech this Houſe, may be done with as much lenity, as much moderation, as the publick ſafety of the King and Kingdom can poſſibly admit.

Mr. *Bagſhaw*'s Speech, *Novemb.* 7. 1640.

Mr. *Speaker*,

Mr. *Bagſhaw's Speech, Nov.* 7. 1640.

I Had rather Act than Speak in thoſe weighty buſineſſes of the Kingdom, which have been ſo excellently handled by theſe worthy Gentlemen that ſpake laſt, and therefore I will be ſhort: For when I look upon the Body of this goodly and flouriſhing Kingdom in matters of Religion, and of our Laws, (for like *Hipocrates* Twins, they live and dye together) I ſay, when I behold theſe in that ſtate and plight, as they have been repreſented to us, *Flere magis libet quam dicere*; But this is our Comfort, Mr. *Speaker*, that we are all met together for the wellfare and happineſs of Prince and People; And who knows whether this may not be the appointed time, wherein God will reſtore our Religion as at the firſt, and our Laws as at the beginning?

The Honour of a King conſiſteth in the weal of his People: This undoubted Maxim His Majeſty hath made good by His late Gracious Speech and Promiſe to us, to redreſs all our Grievances, to deſtroy the Enemies of our Peace and Plenty.

To make a People Rich, they muſt have *eaſe* and *juſtice*; Eaſe in their Conſciences from the bane of Superſtition; from the intolerable burthen of Innovation in Religion; and from the the racks and tortures of new-fangled *Oaths*. They muſt be eaſed in their Perſons (being *liberi homines*, and not *Villani*) from all illegal Arreſts and Impriſonment againſt *Magna Charta*, being our greateſt Liberties; They muſt be eaſed in their *Lands*, from Foreſts where never any *Deer* fed; from *Depopulations*, where never any Farm was decayed; and from *Incloſures*, where never any Hedges were ſet. They muſt, laſtly, be eaſed in their *Goods*, from the exactions and expilations of Purſevants and Apparitors, of *Projectors* and *Monopoliſts*, *Humanarum calamitatum mercatores*, as an Ancient finely calls them. And if the People have all theſe eaſements, yet if they have not *Juſtice*, they cannot ſubſiſt; Juſtice is to the Civil Body, as *Food* to the natural; if the ſtream of Juſtice be by unrighteouſneſs turned into *Gall and Wormwood*; or by Cruelty, like the *Egyptian* Waters, be turned into *Blood*; thoſe which drink of thoſe Brooks muſt needs dye and periſh.

The Law ſaith, That all Juſtice is in the King, who is ſtiled in our Book, *Fons Juſtitiæ*, and he commits it to his Judges for the execution, wherein he truſts them with two of the chiefeſt Flowers which belong to his Crown: The adminiſtration of his Juſtice, and the expoſition of his Laws: but he will not truſt them without *an Oath* required of them by the Statute of 18 *Edw.* 3. which is ſo ſtrict and ſevere, that

that it made a Judge whom I know, though honeſt and ſtrict, yet to *quake and tremble* at the very mention of it. The effect of the Oath is, That they *ſhould do equal Law, and execution of right to all the King's Subjects, Poor as well as Rich, without regard of any Perſon. That they ſhould not deny to do common right to any man by the King's Letters, or for any other Cauſe: And in caſe ſuch Letters do come, that they proceed to do according to the Law, notwithſtanding ſuch Letters, or for any other Cauſes, as they will anſwer to the King, in Bodies, Goods and Lands.* How this Oath hath been performed, we have ſeen and felt; I need ſay no more. But when I caſt my eyes upon the inferiour Courts of Juſtice, wherein no ſuch Oath is required; I mean the *High Commiſſion*, and other Eccleſiaſtical Courts, my Soul hath bled for the *wrong and preſſures* which I have obſerved to have been done and committed in theſe Courts, againſt the King's good People; eſpecially for the moſt monſtrous abuſe of the Oath *Ex Officio*; which, as it is now uſed, I can call no other then *Carnificina Conſcientiæ:* I have ſome reaſon to know this, that have been an attendant to the Court theſe five years for my ſelf, and a dear Friend of mine, ſometimes Knight of our Shire, for a *meer trivial* buſineſs; that the moſt that could be proved againſt him, was the *putting on his Hat* in the time of Sermon; of which Court I ſhall ſay more, and make good what I ſay, when thoſe Ulcers come to be opened. 16 *Caroli.*

Mr. *Speaker*, I ſay, theſe Worthies that ſpake before me, have told you of our Miſeries; but I cannot tell you of the Remedies: For things are come to that height, that I may ſay, as *Livy* ſaid of the *Roman* State in his time, *Nec vitia noſtra ſcire poſſumus nec remedia*; for no Laws will now do us good: Better Laws could not have been made, than the Statute of *Monopolies againſt Projectors*, and the *Petition of Right*, againſt the infringers of Liberties; and yet, as if the Law had been the Author of them, there have been within theſe few years, more Monopolies and Infringement of Liberties, than have been in any Age ſince the *Conqueſt:* And if all thoſe vile *Harlots*, as Queen *Elizabeth* called them, that have been the Authors of thoſe evils, and the troublers of our *Iſrael*, do go unpuniſhed, it will never be better with us; for now during Parliament, like *frozen Snakes* their Poyſon dries up; but let the Parliament *Diſſolve*, and then their Poyſon melts and ſcatters abroad, and doth more hurt than ever. What then muſt be done? Why, what the *Plaiſter* cannot do, muſt be done by the *Saw*; *Enſe recidendum eſt, ne pars ſincera trahatur.* I cannot better *Engliſh* it, than in the words of a King, *Let them be cut off in their wickedneſs, that have framed miſchief as a Law.* My concluſion, Mr. *Speaker*, is this, Let the woful violation of the Statute of Monopolies, and the Petition of Right, be made *Felony;* or *Premunire* at the leaſt; but yet in the interim, let them be made examples of puniſhment, who have been the Authors of all thoſe miſeries, according to the Counſel of *Solomon*; *Take away the wicked from before the King, and his Throne ſhall be eſtabliſhed in Righteouſneſs.*

Sir *John Holland's* Speech.

Mr. *Speaker*,

TImes of Action are not for Rhetorick and Elocution, which imboldens me to riſe; and tho I muſt acknowledg my ſelf one of the youngeſt Scholars, and meaneſt Proficients in this great School of Wiſdom, yet I conceive it a great part of my duty at this time, both to deliver my ſuit and Conſcience. We are called hither, Mr. *Speaker*, by the Royal Power, we ſit here by the King's Majeſty's Grace and Favour; and ſince His Majeſty hath been graciouſly pleaſed to leave the Government of all in our hands, I doubt not but we ſhall lay ſuch a Foundation in the beginning of this Parliament, that we ſhall make it a happy Age, a long laſting one, ſince the dangers of theſe Times, the preſent diſtempers of this State, and therein both His Majeſty's, and our Neceſſities, yea, and the whole Kingdom's Safety do require it. Sir *John Holland's* Speech, 1640.

We are called, Mr. *Speaker*, as I conceive, from the reports you have made of His Majeſty's Gracious Declaration, for four principal Cauſes. *Firſt*, For Supply of His Majeſty's *wants*. *Secondly*, For *relief* of our Brethren in the Northern parts. *Thirdly*, For the remove of the *Scots* Forces. *Fourthly*, For redreſs of our own *Grievances*. That His Majeſty's wants are great and many, Mr. *Speaker*, I think there is no man doubts it; and it is as certain our *Grievances* are ſo too, they are great and many both in Church and Commonwealth; I ſhall but touch them in either, ſince they have been ſo fully remonſtrated in both.

An. 1640.

First, In the Church, by the uſurping Powers of ſome *Prelates*, and their Adherents; by which means many great dangers, innovations of Doctrines, of Diſcipline, of Government, have been thruſt upon us.

Secondly, In the Church, by publick Sufferances of Prieſts and *Jeſuits*, not only to come into the Land, by which means the number of the *Roman Catholicks* is dangerouſly multiplied, Idolatry increaſed, and God's heavy Judgments highly provoked.

Thirdly, In the Commonwealth, by the late inundations of the Prerogative Royal, which have broken out, and almoſt overturned all our Liberties, even thoſe which have been beſt and ſtrongeſt fortified, the Grand Charter it ſelf. Mr. *Speaker*, that which hath been ſo oft, ſo ſolemnly confirmed in the ſucceſſion of ſo many Princes, ratified in His Majeſty's Name, founded by the wiſdom of former Ages, purpoſely to keep the beam even betwixt Sovereignty and Liberty.

Even this, Mr. *Speaker*, the deareſt and chiefeſt part of our Inheritance hath been infringed, broken, and ſet at nought, in the Commonwealth, by the over-potency of ſome Great Ones, ſacred Councellors of State; by whoſe Advices it is thought the greateſt part of theſe preſent Diſtempers, under which the body of this Commonwealth at this time labours, do derive their originals.

Fourthly, In the Commonwealth, by the miſchievous Practices and Policies of ſome ſubtil Projectors; and under the title of the King's profit, and the publick good; they have intituled themſelves to great and vaſt Eſtates, and that by the damage of the whole Kingdom.

They are, Mr. *Speaker*, the very Moths and Cankers that have fretten and eaten out all Trade and Comerce, the very beauty, ſtrength and health of this famous Iſland.

Fifthly, In the Commonwealth, by the entertainment of *Foreigners* and Strangers, and that at His Majeſty's exceſſive charge; by which means His Majeſty's Coffers are emptied, His Revenues ſhortned, and the whole Kingdom many ways oppreſſed. But, Mr. *Speaker*, I ſhall not trouble my ſelf any further in ſo vaſt, ſo large a Field; I ſhall now repreſent my own weak Apprehenſions for our progreſſions in all the particulars for which we have been called; and in all humility ſubmit them.

First, Touching ſupplying His Majeſty's Wants, I do humbly deſire we may proceed therein within its due time; and that with as much Loyal duty and liberality, as ever any People expreſſed towards their Prince; I think I may ſay the preſent Affairs of the Kingdom require it.

For the relief of our Brethren in the *Northern* Parts, with a ſenſe of Charity, and fellow-feeling of their miſeries, afflictions and loſſes; in removing the *Scotiſh* Army, with a ſoft and gentle hand of mediation, pacification, and reconciliation, if poſſibly it may be wrought with His Majeſty's honour, and the Kingdom's ſafety; If not, then to repel and repulſe them with ſtout and reſolute ſpirits, with valiant and united hearts and hands, ſuch as ſhall beſt ſuit with our duty to God, our King, our Countrey; ſuch as ſhall beſt become his honour, and the ancient renown of this *Engliſh* Nation.

In redreſs of our *Grievances*, in thoſe of the Church, which ought to have priority in our Conſultations, as well in reſpect of neceſſity, as dignity. In theſe, Mr. *Speaker*, I do humbly deſire, and doubt not but we ſhall proceed with all true piety, and well-grounded zeal to God's Houſe, and his Truth. In thoſe of the Commonwealth, with a religious care of our Countrey's Freedom, in the faithful performance of the truſt repoſed in us, by them that ſent us, in the preſervation of our Rights, our ancient Rights, the Rights of our Inheritance, our Liberties, our Privileges, our Properties.

Yet in all, Mr. *Speaker*, I do humbly deſire we may proceed, as beſt ſuiting the matter and condition of theſe diſtempered Times, and as beſt becoming the honour, dignity and wiſdom of this ſo great a Court, ſo great a Council, with all temper, modeſty, and all due moderation.

So numerous were the Complaints and Petitions touching Grievances, that the whole Houſe was divided, and ſubdivided into above Forty Committees to hear and examine them; But the main were reducible to theſe four General Heads:

I. Com-

16 *Caroli*

I. Commitees concerning Religion, Innovations in the Church, and Grievances by Eccleſiaſtical Courts.

II. Committees concerning publick Affairs in general, and particularly concerning *Ireland* and *Scotland*.

III. Other Committees were relating to Ship-money, Judges and Courts of Juſtice.

IV. Committees concerning Popery, The Popiſh Hierarchy; The Pope's *Nuncio*, Plots, Deſigns, *&c.*

A Faſt deſir'd.

At this time the Houſe deſired Sir *Thomas Roe*, and Three Members more to withdraw, and Preſent to the Houſe, Motives to be preſented to the Lords for a Faſt; and that both Houſes might Joyntly move the King for the ſame. Upon report from the Committee, this Meſſage was agreed upon, *That the Houſe of Commons having taken into Serious Conſideration, the weighty Occaſions of this Aſſembly of Parliament; Concerning the true Worſhip of Almighty God, and the Safety and Welfare of the King and this whole Realm; and well knowing a right way to obtain a bleſſed Iſſue thereof, is to Implore the Divine Aſſiſtance, the Fountain of all Wiſdom and Unity, to direct them all in their Conſultations, by one days Solemn Humiliation in Faſting and Prayer; and in Confidence of their Lordſhips great Piety, to deſire them to joyn with the Houſe of Commons to move His Majeſty for his gracious Allowance to ſo holy a Preparation to the Important Affairs of both Houſes of Parliament; which being firſt began and here done, that he would be further pleaſed to appoint another day for a General Faſt, throughout the whole Kingdom, in ſuch ſeaſonable time as ſhall ſeem to his Wiſdom moſt Convenient.*

And Sir *Thomas Roe* was ſent up with a Meſſage to the Lords to this purpoſe; who afterwards reported, That he had attended the Lords, and delivered the Meſſage, and received this Anſwer:

Agreed to by the Lords.

That His Majeſty ſhould be moved in the Name of both Houſes, firſt for a Faſt for both Houſes and the City; and next for a General Faſt through the whole Kingdom; and that the Houſe of Peers did gladly receive that Motion from this Houſe, and will Joyn in an humble Petition to His Majeſty, and will render this Houſe an account.

Nov. 9.

A Meſſage brought from the Lords by Mr. *Attorney* General, and Sir *Robert Rich*, one of the Maſters of *Chancery*, to this effect:

The Lords Houſe ſent us with this Meſſage to the Houſe of Commons, That their Lordſhips have preſented to His Majeſty the humble Deſires of both Houſes concerning a Faſt; to which His Majeſty hath been pleaſed to give a gracious Anſwer; and the Lords deſire a preſent meeting of both Houſes, concerning the time and other Particulars. They further ſaid, That the Number of the Lords appointed on this occaſion were Twelve.

And by the King.

Mr. *Speaker* returned Anſwer, That *this Houſe hath Conſidered of the Meſſage, and will give the Lords a Meeting preſently, with a Proportionable Number of the Commons.* Whereupon the Committee following was named.

Mr. *Treaſurer*,	Mr. *Fiennes*,
Sir *Thomas Roe*,	Mr. *Porter*,
Mr. *Hampden*,	Sir *Fra. Seymor*,
Sir *Benjamin Rudyard*,	Sir *Sidney Mountague*,

Lord

An. 1640.

Lord *Rich*,
Mr. *Pym*,
Sir *John Strangwayes*,
Mr. *Comptroller*,
Lord *Fairfax*,
Lord *Ruſſell*,
Lord *Digby*,
Lord *Wayman*,
Lord *Ruthen*,
Lord *Herbert*,
Sir *Miles Fleetwood*,
Lord *Cramborne*,
Mr. *Bellaſis*,
Lord *Buckhurſt*,
Mr. Secretary *Windebank*.

Sir *Thomas Roe* reports from the Committee that went up to meet with the Committee of Lords,

That the Committee of Twelve Lords having met the Committee ſent by this Houſe, concerning their Reſolutions of a time for a Faſt, their Lordſhips were pleaſed to ſend my Lord of *Canterbury*, my Lord Marſhal, and my Lord Chamberlain, to His Majeſty, to ſignify the Requeſt of both Houſes; and that His Majeſty did graciouſly condeſcend to their deſires; referring to this Committee to appoint a time for both their contents: My Lords did therefore make a motion unto us of the Committee of this Houſe, That upon Reſolution with themſelves, if this Houſe thought fit and convenient, That the Particular Faſt for both Houſes, and the City of *London*, might be on *Tueſday* come Sevennight; and for the Publick Faſt throughout the Kingdom, to be to morrow Month. They did think we had been prepared to have given them an Anſwer, and deſired you inſtantly to ſend them word; for they will ſit purpoſely in the Painted Chamber till you ſend an Anſwer.

Reſolved upon the Queſtion, That the Particular Faſt for both Houſes, and for the City of *London*, ſhall be on *Tueſday* come Sevennight; and the General Faſt on *Tueſday* come Month.

The ſame Committee went up with this Anſwer to the Lords, who agreed with the Commons as to the time for the Faſt.

The Houſe alſo at this time thought fit to appoint a Committee, with Power, to make enquiry what number of Papiſts are in and about *London*, and Ten Miles thereof, and how they are Armed; and that after the King's Proclamation ſhall come forth for Diſarming of the Popiſh Recuſants, and removal of them according to His Majeſty's Gracious Meſſage, then to ſee how that Proclamation hath been Executed, and to have Power to ſend for any Records or Papers, that may inform the Committee of any Diſpenſations, Diſcharges, or Immunities granted to Recuſants for exempting of them from the Penalty of the Laws, and are to meet in the *Exchequer-Chamber*.

The Lord *Digby*'s SPEECH.

Mr. *Speaker*,

The Lord *Digby*'s Speech, *Nov.* 9.

YOU have received now a ſolemn Account from moſt of the Shires of *England*, of the ſeveral Grievances and Oppreſſions they ſuſtain, and nothing as yet from *Dorſetſhire*; Sir, I would not have you think that I ſerve for *a Land of* Goſhen, that we live there in Sun-ſhine, whilſt *Darkneſs* and *Plagues* overſpread the reſt of the Land: As little would I have you think, that being under the ſame ſharp meaſure with the reſt, we are either inſenſible and benumb'd, or that that Shire wanteth *a Servant* to preſent its Sufferings boldly.

It is true, Mr. *Speaker*, the County of *Dorſet* hath not digeſted its Complaints into that formal way of *Petition*, which others (I ſee) have done; but have intruſted them to my Partners, and my delivery of them by word of mouth unto this Honourable Houſe. And there was given unto us in the *County-Court*, the day of our Election,

16 Caroli.

ction, a ſhort Memorial of the heads of them, which was read in the hearing of the *Freeholders* there preſent, who all unanimouſly with one voice ſignified upon each Particular, that it was their deſire that we ſhould repreſent them to *the Parliament*, which with your leave I ſhall do, and theſe they are.

1. The great and intolerable burthen of *Ship-money*, touching the Legality whereof they are unſatisfied.
2. The many great Abuſes in *preſſing of Soldiers*, and raiſing moneys concerning the ſame.
3. The multitude of *Monopolies*.
4. The new *Canons* and the *Oath* to be taken by Lawyers and Divines, *&c.*
5. The Oath required to be taken by *Church-Officers* to preſent according to Articles new and unuſual.

Beſides this, there was likewiſe preſented by a very conſiderable part of the Clergy of that County a Note of Remembrance, containing theſe two Particulars.

1. The Impoſition of a new Oath required to be taken by all Miniſters and others; which they conceive to be illegal, and ſuch as they cannot take with a good Conſcience.
2. The requiring of a pretended *Benevolence*, but in effect a *Subſidy*, under the penalty of Suſpenſion, Excommunication and Deprivation, all benefit of Appeal excluded.

This is all we had particularly in charge: But that I may not appear a remiſs Servant of my Countrey, and of this Houſe, give me leave to add ſomewhat of my own ſenſe.

Truly, Mr. *Speaker*, the injurious Sufferings of ſome worthy Members of this Houſe, ſince the diſſolution of the Two laſt Parliaments, are ſo freſh in my memory, that I was reſolved not to open my mouth in any Buſineſs wherein freedom and plain dealing were requiſite, until ſuch time as the breach of our Privileges were vindicated, and the ſafety of Speech ſetled.

But ſince ſuch Excellent Members of our Houſe, thought fit the other day to lay aſide that *Caution*, and to diſcharge their Souls ſo freely, in the way of zeal to His Majeſty's Service, and their Countrey's good; I ſhall interpret that Confidence of theirs for a lucky *Omen* to this Parliament, and with your permiſſion, licenſe my Thoughts too a little.

Mr. *Speaker*, under thoſe Heads which I propoſed to you, as the Grievances of *Dorſetſhire*, I ſuppoſe are compriſed the greateſt part of the Miſchiefs which have of late years laid battery either to our Eſtates or Conſciences.

Sir, I do not conceive this the fit ſeaſon to ſearch and ventilate Particulars, yet I profeſs I cannot forbear to add ſomewhat, to what was ſaid the laſt day by a Learned Gentleman of the Long Robe, concerning the Acts of that Reverend *New Synod*, made of an old Convocation. Doth not every Parliament-Man's heart riſe to ſee the *Prelates thus to uſurp to themſelves* the grand preheminence of Parliaments? The granting of Subſidies, and that under ſo prepoſterous a name as of a *Benevolence*, for that which is a malevolence indeed, a malevolence I am confident in thoſe that granted it againſt *Parliaments*; and a *Malevolence* ſurely in thoſe that refuſe it, againſt thoſe that granted it; for how can it incite leſs? when they ſee wreſted from them what they are not willing to part with, under no leſs penalty than the loſs both of Heaven and Earth: of Heaven, by *Excommunication*; and of the Earth, by *deprivation*; and this without redemption by Appeal. What good Chriſtian can think with patience on ſuch an *enſnaring Oath* as that, which is by the New Canons enjoined to be taken by all Miniſters, Lawyers, Phyſicians, and Graduates in the Univerſities? where, beſides the ſwearing ſuch an impertinence, as that things neceſſary to *Salvation* are contained in Diſcipline; beſides the ſwearing thoſe to be of *Divine* Right, which amongſt the Learned, never pretended to it, as the *Arch things* in our Hierarchy. Beſides, the ſwearing not to conſent to the *Change* of that, which the State may upon great reaſon think fit to alter: Beſides the bottomleſs Perjury of an *Et cætera*. Beſides all this, Mr. *Speaker*, men muſt ſwear that they ſwear freely and voluntarily what they are compelled unto: And laſtly, That they ſwear that Oath in the literal ſenſe, whereof no two of the Makers themſelves, that I have heard of, could ever agree in the underſtanding.

In

An. 1640.

In a word, Mr. *Speaker*, to tell you my Opinion of this Oath, It is a *Covenant* againſt the King, for Biſhops and the Hierarchy; as the *Scottiſh* Covenant is againſt them, only ſo much *worſe* than the *Scottiſh*, as they admit not of the Supremacy in Eccleſiaſtical Affairs, and we are ſworn unto it.

Now, Mr. *Speaker*, for thoſe particular heads of Grievances whereby our Eſtates and Properties are ſo radically invaded; I ſuppoſe (as I ſaid before) that it is no ſeaſon now to enter into a ſtrict diſcuſſion of them; only thus much I ſhall ſay of them, with application to the Countrey for which I ſerve, that none can more juſtly complain, ſince none can more juſtly challenge exemption from ſuch Burthens than *Dorſetſhire*, whether you conſider it's a Countrey ſubſiſting much by Trade; or as none of the moſt Populous; or as expoſed as much as any to Foreign Invaſion.

But alas, Mr. *Speaker!* Particular Lamentations are hardly diſtinguiſhable in Univerſal Groans.

Mr. *Speaker*, It hath been a Metaphor frequent in Parliament, and if my Memory fail me not, was made uſe of in the Lord Keeper's Speech at the opening of the laſt, that what Money Kings raiſed from their Subjects, it was but as *Vapours* drawn up from the Earth by the Sun, to be diſtilled upon it again in fructifying Showers. The Compariſon, Mr. *Speaker*, hath held of late years too *unluckily*; what hath been raiſed from the Subject by thoſe violent Attractions, hath been formed, it is true, into *Clouds*, but how? to darken the Sun's own luſtree, and hath fallen again upon the Land only in *Hail-ſtones* and *Mill-dews*, to batter and proſtrate ſtill more and more our Liberties, to blaſt and wither our Affections; had not the latter of theſe been ſtill kept alive by our King's own Perſonal Vertues, which will ever preſerve him in ſpight of all Ill Counſellors, a ſacred Object, both of our Admiration and Loves.

Mr. *Speaker*, It hath been often ſaid in this Houſe, and I think can never be too often repeated, That the Kings of *England can do no wrong*; but though they could, Mr. *Speaker*, yet Princes have no part in the Ill of thoſe Actions which their *Judges* aſſure them to be Juſt, their Counſellors that they are prudent, and their Divines that they are conſcientious.

This Conſideration, Mr. *Speaker*, leadeth me to that which is far more neceſſary at this Seaſon, than any further laying open of our Miſeries, that is, the way to the Remedy, by ſeeking to remove from our Sovereign, ſuch *unjuſt Judges*, ſuch pernicious *Counſellors*, and ſuch diſconſcient *Divines*, as have of late years, by their wicked Practices, provoked Aſperſions upon the Government of the graciouſeſt and beſt of Kings.

Mr. *Speaker*, Let me not be miſunderſtood; I level at no man with a fore-laid Deſign, let the Faults, and thoſe well proved, lead us to the men; It is the only true Parliamentary method, and the only fit one to encline our Sovereign. For it can no more conſiſt with a Gracious and Righteous Prince to expoſe his Servants upon Irregular Prejudices, than with a Wiſe Prince to *with-hold Malefactors*, how great ſoever, from the courſe of orderly Juſtice.

Let me acquaint you, Mr. *Speaker*, with an Aphoriſm in *Hypocrates*, no leſs Authentick, I think, in the Body Politick, than in the Natural; thus it is, Mr. *Speaker*, *Bodies to be throughly and effectually purged, muſt have their humours firſt made fluid and moveable.*

The Humours that I underſtand to have cauſed all the deſperate Maladies of this Nation, are the *Ill Miniſters*: To purge them away clearly, they muſt be firſt looſened, unfetled, and extenuated, which can no way be effected with a Gracious Maſter, but by truly repreſenting them *unworthy* of his Protection.

A Remonſtrance of the State of the Kingdom firſt moved for.

And this leadeth me to my Motion; which is, That a Select Committee may be appointed to draw out of all that hath here been repreſented, ſuch A REMONSTRANCE as may be a faithful and lively Repreſentation to His Majeſty of the *deplorable Eſtate* of this Kingdom, and ſuch as may happily diſcover unto his Clear and Excellent Judgment, the Pernicious Authors of it. And that this *Remonſtrance* being drawn, we may with all ſpeed, repair to the Lords, and deſire them to join with us in it: And this is my humble Motion.

Sir *John*

16 Caroli.

Sir *John Culpeper's* Speech, *Nov.* 9.

Sir *John Culpeper's* SPEECH.

Mr. Speaker,

I Stand not up with a Petition in my hand, I have it in my mouth; and have it in charge from them that ſent me hither, humbly to preſent to the conſideration of this Houſe the Grievances of the County of *Kent*: I ſhall only ſum them up; they are theſe.

Firſt, The great increaſe of *Papiſts*, by the remiſs execution of thoſe Laws which were made to ſuppreſs them; the life of Laws is *Execution*; without this, they become but a dead Letter; this is wanting, and a great Grievance.

The *Second* is the obtruding and countenancing of divers new *Ceremonies* in matters of Religion, as placing the Communion Table *Altar-wiſe*, and Bowing and Cringing too, towards it; the refuſing the Holy Sacrament to ſuch as refuſe to come up to the *Railes*: Theſe carry with them ſome *ſcandal*, and much offence.

The *Third* is, *Military Charges*; and therein firſt, *Coat and Conduct-money* required as a *Loan*, or preſſed as *a due*, in each reſpect equally a Grievance. The ſecond is the enhancing of the price of *Powder*, whereby the *Trained-Bands* are much diſcouraged in their Exerciſing: However little this may ſeem *primâ facie*, upon due examination it will appear a great Grievance. The third is more particular to our County: It is this; The laſt Summer was Twelve-month, 1000 of our *beſt Arms* were taken from the Owners, and ſent unto *Scotland*: The Compulſary way was this; If you will not ſend your Arms, you ſhall go your ſelves. Mr. *Speaker*, The *Trained-Band* is a *Militia* of great ſtrength and honour, without Charges to the King, and deſerves all due encouragement.

The *Fourth* is the *Canons*; I aſſign theſe to be a Grievance: Firſt, in reſpect of the Matter, beſides the *Et cætera* Oath. Secondly, in reſpect of the *Makers*; they were choſen to ſerve in a Convocation; that falling with the Parliament, the ſcene was altered: The ſame Men, without any new Election, ſhuffled into a ſacred *Synod*. Thirdly, In reſpect of the Conſequence, which in this Age, when the ſecond Ill Preſident becomes *a Law*, is full of danger. The Clergy without confirmation of a Parliament, have aſſumed to themſelves power to make Laws, to grant relief by the name of *benevolence*, and to intermeddle with our Freehold by Suſpenſions and Deprivation; This is a Grievance of a high nature.

The next Grievance is the *Ship-money*; This cries aloud, I may ſay, I hope without offence; this ſtrikes the *Firſt-born* of every Family, I mean our Inheritance: If the Laws give the King power in any danger of the Kingdom, whereof he is Judge, to impoſe *what*, and *when* he pleaſes, we owe all that is left, to the Goodneſs of the King, not to the Law; Mr. *Speaker*, this makes the Farmers faint, and the Plough to go heavy.

The next is the great decay of *Cloathing*, and fall of our Wools; Theſe are the *Golden Mines* of *England*, which give a foundation to that Trade which we drive with all the World: I know there are many Stars concur in this Conſtellation; I will not trouble you with more than one cauſe of it, which I dare affirm to be the greateſt. It is the great *Cuſtoms* and Impoſitions laid upon our Cloath, and new Draperies. I ſpeak not this with a wiſh to leſſen the King's *Revenues*, ſo it be done by a Parliament. I ſhall give my Voice to lay *more charge* upon the Superfluities (due regard being had to *Trade*) which we import from all other Nations: Sure I am, that thoſe Impoſitions upon our Native Commodities are dangerous, give liberty to our Neighbours to under-ſell; And I take it for a Rule, that beſides our loſs in Trade, which is five times as much as the King receiveth, what is impoſed upon our Cloaths, is taken from the Rent of our Lands. I have but one Grievance more to offer to you, but this one compriſeth many; It is a Neſt of *Waſps*, or *Swarm of Vermin*, which have overcrept the Land, I mean the *Monopolers* and *Polers* of the People: Theſe, like the *Frogs of* Egypt, have gotten the poſſeſſion of our Dwellings, and we have ſcarce a Room free from them: They ſup in our *Cup*, they dip in our *Diſh*, they ſit by *our Fire*, we find them in the *Dye-fat*, *Waſh-boul* and *Powdering-tub*; they ſhare with the *Butler* in his Box, they have *marked and ſealed* us from head to foot. Mr. *Speaker*, they will not bate us a *Pin*: we may not buy our own Cloaths without their Brokage; Theſe are the *Leeches* that have ſuck'd the Commonwealth ſo hard, that it is almoſt become *Hectical*: And Mr. *Speaker*, ſome of theſe are aſhamed

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of their right Names; they have a Vizard to hide the Brand made by that good *Law* in the laſt Parliament of King *James*; they ſhelter themſelves under the name of a *Corporation*, they make *By-laws*, which ſerve their turns to ſqueeſe us, and fill their Purſes; unface theſe, and they will prove as bad Cards as any in the Pack; theſe are not Petty-Chapmen, but Wholeſale-men. Mr. *Speaker*, I have *Echoed* to you the Cries of the Kingdom. I will tell you their hopes: They look to Heaven for a bleſſing upon this Parliament; they hang upon His Majeſty's exemplary Piety, and great Juſtice, which renders his Ears open to the juſt Complaints of his Subjects; we have had lately a gracious aſſurance of it; It is the wiſe Conduct of this, whereby the other great Affairs of the Kingdom, and this of our Grievances of no leſs importance, may go hand in hand in preparation, and reſolution: Then by the bleſſing of God we ſhall return home with an *Olive-branch* in our mouths, and a full confirmation of the Privileges which we received from our Anceſtors, and owe to our Poſterity, and which every Free-born *Engliſhman* hath received with the Air he breatheth in. Theſe are our hopes, Theſe are our Prayers.

Mr. *Harbottle Grimſton's* Speech, *Nov.* 9.

Mr. *Harbottle Grimſton's* SPEECH.

Mr. *Speaker*,

THESE Petitions which have been read, they are all Remonſtrances of the general and univerſal Grievances and Diſtempers that are now in the State and Government of the Church and Commonwealth: and it is not they alone, but His Majeſty's gracious Expreſſions the firſt day of Parliament, that calls me up to ſpeak at this preſent, contrary to my own Intentions.

Mr. *Speaker*, His Majeſty, who is the Head of the Body Politick, and the Father of the Commonwealth, hath complained firſt, Declaring his ſenſibleneſs of our Sufferings, and amongſt other things, hath put us in mind of our *Grievances*, and hath freely left it to our ſelves (for our redreſs and repair therein) to begin and end, as we ſhall think fit. And this draws me on with much chearfulneſs and zeal to contribute my poor Endeavours to ſo great a Work.

And Mr. *Speaker*, I conceive it will not be altogether impertinent for your direction and guidance in that great Place, which by the favour of His Majeſty, and this Houſe, you now poſſeſs, a little to recollect our ſelves in the remembrance of what was done the laſt Parliament, and where we ended.

It will likewiſe be very conſiderable, what hath been done ſince that Parliament, and who they are that have been the Authors and Cauſers of all our Miſeries and Diſtractions both before and ſince.

Mr. *Speaker*, In the laſt Parliament, as ſoon as the Houſe was ſetled, a *Subſidiary Aid* and *Supply* was propounded, and many Arguments uſed to give that the precedency before all other Matters and Conſiderations whatſoever.

On the other ſide, a multitude of *Complaints* and *Grievances* of all ſorts, as well concerning our Eternal, as our Temporal Eſtates, were preſented, and put in the other Ballance: The Wiſdom of that great Council weighing both indifferently, and looking not only upon the Dangers then threatened from *Scotland* (which are now upon us) but likewiſe taking into their conſideration the Conſtitution of the preſent Government here at home, concluded that they were in no capacity *to give*, unleſs their Grievances were *firſt* redreſſed and removed.

For, Mr. *Speaker*, It then was, and ſtill is, moſt manifeſt and apparent, That by ſome *Judgments* lately obtained in Courts of Juſtice, and by ſome *new ways of Government lately ſtarted up amongſt us*, the *Law of Property* is ſo much ſhaken, that no man can ſay he is maſter of any thing: But all that we have, we hold as Tenants by Courteſie, and at Will, and may be ſtripped of it at pleaſure.

Yet, Mr. *Speaker*, deſirous to give His Majeſty all poſſible Satisfaction and Contentment, as well in the *manner* of ſupply for Expedition, as in the ſubſtance and matter of it; we confined and limited our ſelves but to three Particulars only, and to ſuch matters as properly and naturally ſhould have reference and relation to thoſe three Heads.

1. The firſt was the *Privileges* of the Parliament.
2. The ſecond Matters of *Religion*.
3. The *Property* of our Goods and Eſtates.

And

16 Caroli.

And we began with the firſt, as the *Great Ark* in which the other two, Religion and Property, are included and preſerved.

Mr. *Speaker*, The Violations complained of the laſt Parliament, touching our Privileges, were of two ſorts, either ſuch as had been done *in* Parliament, or *out* of Parliament.

Concerning the Violations of the firſt ſort, It was reſolved by Vote, That the *Speaker* refuſing *to put a Queſtion*, being thereunto required by the Houſe; Or to adjourn the Houſe upon any Command whatſoever, without the Conſent and Approbation of the Houſe it ſelf; were *Breaches* and Violations that highly impeached our Privileges.

And having paſſed the Vote, I conceive it were fit we ſhould now proceed a little further, and conſider of a way how to be repaired againſt them that have been the Violaters; for Execution does *Animare Legem.* The putting of an Old Law in execution, you know, Mr. *Speaker*, does oftentimes do more good, than the making of a new one.

As concerning the Violations of the other ſort, done *out* of Parliament, in Courts of Juſtice, and at the *Council-board*, where neither our *Perſons*, nor our *Proceedings*, ought to have been controuled, or medled withal; and as concerning matters of Religion, and the property of our Goods and Eſtates, there were divers things then likewiſe agreed upon by Vote, whereupon a Conference was deſired to have been with the Lords: But what Interjections and Rubs we met withal by the way, and how *the Lords* Countervoted the precedency of our Grievances, and how our Speaker was taken away from amongſt us, and what an unhappy Concluſion we had at the laſt; the remembrance of it were a Subject too ſad to begin another Parliament withal.

Therefore, Mr. *Speaker*, I ſhall paſs from what was done the laſt Parliament, and come to what hath been done ſince that Parliament ended.

Mr. *Speaker*, there are ſome worthy Gentlemen now of this Houſe that were Members of the laſt Parliament, that carried themſelves in the matters and buſineſſes then and there agitated and debated, with great wiſdom, and unexempled moderation. But what had they at laſt-caſt for all their pains, in attending the publick Service of the Commonwealth? As ſoon as ever the Parliament was diſſolved, their *Studies* and *Pockets* were ſearched, as if they had been *Felons* and *Traytors*, and they committed to ſeveral Gaols, with an intention, I am confident, of their utter ruine and deſtruction, had they not foreſeen a danger approaching: For, Mr. *Speaker*, if I be truly informed, an Information was drawn, or at leaſt, directions given for the drawing of it againſt them in the *Star-Chamber.*

Mr. *Speaker*, There hath been ſince the laſt Parliament a *Synod*, and in that Synod a *new Oath* hath been made, and framed, and enjoined to be taken.

Mr. *Speaker*, They might as well have made a *new Law*, and enjoined the execution of that, as enjoined and urged the taking of the other, not being eſtabliſhed by Act of Parliament; and in point of miſchief, the ſafety of the Commonwealth, and the Freedom and Liberties of the Subject are more concerned in the doing of the one, than if they had done the other.

The next Exception I ſhall take to it, is to the matter contained in the Oath it ſelf.

Mr. *Speaker*, They would have us at the very firſt *daſh* ſwear to a *damnable Hereſie*, That matters neceſſary to Salvation, are contained in the *Diſcipline* of our Church.

Whereas, Mr. *Speaker*, it hath ever been the Tenet of our Church, That all things neceſſary to Salvation are comprehended in the *Doctrine* of our Church only; And that hath always been uſed as an Argument, until this very preſent, againſt *Antidiſciplinarians*, to ſtop their mouths withal; and therefore that for that Reaſon they might with the leſs regret and offence *conform* and ſubmit themſelves to the Diſcipline of our Church.

And, Mr. *Speaker*, for prevention, in caſe the wiſdom of the State in this Great Council ſhould at any time think fit to *alter* any thing in the Government of our Church, they would anticipate and foreſtall our Judgments, by making us ſwear before-hand, that we would never give our Conſent to any Alteration.

Nay, Mr. *Speaker*, they go a little further; For they would have us ſwear, That the Government of the Church by *Archbiſhops*, Biſhops, Deans, Archdeacons, *&c.* is *Jure divino*, Their words are, *As of right it ought to ſtand*; whereas, Mr. *Speaker*, we meet not with the name of an *Archbiſhop*, or a *Dean*, or an *Archdeacon* in all the New Teſtament. And whatſoever may be ſaid of the Function of *Biſhops*, it is one thing: But for their *Juriſdiction*, it is merely *Humanâ Inſtitutione*, and they muſt thank the *King* for it.

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As for their Groſs, Abſurd *&c.* wherein they would have them ſwear they know neither *what*; nor how many fathom deep: There is neither Divinity nor Charity in it, and yet they would put that upon us.

Mr. *Speaker*, What they meant and intended by this new Oath, and their Book of *Canons*, and their Book of *Articles*, which they would have our Church-wardens ſworn unto, to enquire of, and to preſent thereupon, I muſt confeſs I know not, unleſs they had a purpoſe therein to blow up the *Proteſtant Religion*, and all the faithful Profeſſors of it, and to advance their *Hierarchy* a ſtep higher, which, I ſuppoſe, we all fear is *high enough* already.

Mr. *Speaker*, They have likewiſe in this *Synod* granted a *Benevolence*, but the nature of the thing agrees not with the name; For in plain Engliſh, it is *ſix Subſidies* to be paid by the Clergy in ſix years: and the Penalty they have impoſed upon the Refuſers, for non-payment, is to be *deprived* of their Functions, to be ſtripped of their Freehold, and to be *excommunicated*; and this Act of their Synod is not publiſhed amongſt their Canons, for which they might have ſome-colourable ſeeming Authority: But it comes out, in a Book alone by it ſelf, in the *Latine Tongue*; ſuppoſing, as I conceive, that Lay-men are as ignorant as they would have them, and thus they think they dance in a Net.

And as in this, ſo in moſt of their New Canons, if they be thoroughly conſidered, any judicious man may eaſily diſcern and perceive, That they do therein like Watermen, that look one way, and row another; they pretend one thing, but intend nothing leſs: And certainly, Mr. *Speaker*, in this they have flown a high pitch; For a Synod called together upon pretence of reconciling and ſetling Controverſies and Matters in Religion, to take upon them the boldneſs thus out of Parliament, to grant *Subſidies*, and to meddle with mens Freeholds; I dare ſay the like was *never heard of before*, and they that durſt do this, will do *worſe*, if the current of their *raging Tyranny* be not ſtopped in time.

Who are they, Mr. *Speaker*, that have countenanced and cheriſhed *Popery* and *Arminianiſm* to that growth and heighth it is now come to, in this Kingdom?

Who are they, Mr. *Speaker*, that have given encouragement to thoſe that have boldly preached thoſe *Damnable Hereſies* in our Pulpits?

Who are they, Mr. *Speaker*, that have given Authority and Licenſe to them that have publiſhed thoſe *Hereſies* in Print?

Who are they, Mr. *Speaker*, that have of late days been advanced to any *Dignity* or Preferment in the Church, but ſuch as have been notoriouſly ſuſpicious in their *Diſciplines*, corrupt in their *Doctrines*, and for the moſt part, *vicious in their Lives?*

☞ And who are they, Mr. *Speaker*, that have overthrown our two Great Charters, *Magna Charta*, and *Charta de Foreſta?*

What Impoſition hath been laid down, or what *Monopoly* hath been damned in any Court of Juſtice ſince the laſt Parliament?

Hath not *Ship-money*, Coat and Conduct-money, and Money for other Military Charges, been collected and levied with as great violence as ever they were, in violation of our Liberties, confirmed to us in our *Petition of Right*; notwithſtanding all our Supplications and Complaints the laſt Parliament?

And who are they, Mr. *Speaker*, that have cauſed all thoſe dangerous Convulſions, and all the deſperate, unnatural, bloody Diſtempers, that are now in our Body Politick?

Mr. *Speaker*, I will tell you a Paſſage I heard from a Judge in the *King's-Bench*. There was a poor man committed by the Lords, for refuſing to ſubmit to a Project; and having attended a long time at the *King's-Bench* Bar upon his *Habeas Corpus*, and at laſt preſſing very earneſtly to be bailed, the Judge ſaid to the reſt of his Brethren, Come *Brothers* (ſaid he) let us bail him; *For they begin to ſay in the Town, that the Judges have overthrown the Law, and the Biſhops the Goſpel.*

Mr. *Speaker*, I would not be miſunderſtood in what I have ſaid: For there are ſome of *both Functions* and Profeſſions that I highly honour and reverence in my heart for their Wiſdoms and Integrities. But, Mr. *Speaker*, I may ſay it, for I am ſure we have all felt it, That there are *ſome* of both Functions and Profeſſions, that have been the Authors and Cauſers of all the *Miſeries*, Ruins and Calamities that are now upon us.

Mr. *Speaker*, This is the Age; this is the Age (Mr. *Speaker*) that hath produced and brought forth *Achitophels*, *Hamans*, *Woolſies*, *Empſons* and *Dudlies*, *Treſilians* and *Belknapps*, Vipers and Monſters of all ſorts; And I doubt not, but when His Majeſty ſhall be truly informed of ſuch matters as we are able to charge them withal, we ſhall have

16 *Caroli.*

have the *ſame Juſtice* againſt theſe, which heretofore hath been againſt their Predeceſſors, in whoſe wicked ſteps they have trodden.

And therefore, Mr. *Speaker*, to put our ſelves in a way for our redreſs and relief, I conceive it were fit that a Committee might be named to take theſe Petitions, that have been now read, and all others of the like nature, into their Conſiderations, to the end that the Parties grieved, may have juſt repair for their Grievances; and that out of them, Laws may be contrived and framed for the preventing of the like miſchifs for the future.

The Names of the Committee appointed to draw up the Remonſtrance of the State of the Kingdom.

Upon the before-recited Speech and Motion of the Lord *Digby*, a Committee of 24. was appointed, to draw out of that which had been preſented to the Houſe, ſome ſuch kind of Declaration, as might be a faithful Repreſentation to this Houſe of the State of the Kingdom: And any other Committee that ſhall find any thing fit for this buſineſs, ſhall report it to the Houſe; or recommend it to this Committee to be preſented from them to this Houſe.

The Names of the Committee.

Lord *Digby*,
Sir *Fra. Seymour.*
Sir *John Culpeper*,
Mr. St. *John*;
Sir *Tho. Viddrington*,
Sir *Robert Harley*,
Mr. *Selden*,
Sir *Miles Fleetwood*,
Mr. *Pym*,
Mr. *Harbottle Grimſton*,
Mr. *Kirton*,
Sir *Walter Earl.*
Sir *John Clotworthy*,
Sir *John Strangeways*,
Mr. *Pierpoint*,
Mr. *Bagſhaw*,
Mr. *Hampden*,
Mr. *Capell*,
Mr. *Crew*,
Mr. *Peard*,
Mr. *Henry Bellaſis*,
Sir *Tho. Barrington*,
Sir *Benj. Rudyard.*

A ſtrict Order againſt Projectors and Monopoliſts.

Alſo the Houſe bearing in memory Sir *John Culpeper*'s Speech, againſt the ſwarm of Projectors and Monopoliſts, fell into debate thereof; whereupon it was Reſolved upon the Queſtion, That all Projectors and unlawful Monopoliſts whatſoever, or he that hath any ſhare, or lately had any ſhare in any Monopoly, or that doth receive any benefit from any Monopoly or Project, or that hath procured any Warrant or Command for the reſtraint or moleſting of any that have refuſed to conform themſelves to any ſuch Proclamations or Projects, are diſabled by order of this Houſe from ſitting in it, and that Mr. *Speaker* iſſue out Writs for the Election of new Members in their room. And if any Man here knows any Monopoliſt, he ſhall name him to the Houſe.

Mr. *Crew*'s Vindication.

Mr. *Crew*, a Member of this Houſe, fearing leſt ſome prejudicate opinion of him, might be left in the mind of ſome of the Members of this Houſe, by ſome words ſpoken by one of the Members which he conceived might reflect upon his deportment before the Lords of the Council, when he refuſed to deliver Petitions which came to his hands, concerning Religion, in the Parliament which ſate *April* 13. 1640. thought fit to make a Narrative of that Matter, and of his Commitment to the Tower for refuſing to deliver the Papers.----And upon his recital, and the other Member's explanation of himſelf, it was clearly reſolved by the Houſe, That neither the one had done any thing that might deſerve the leaſt reproach of unfaithfulneſs from this Houſe, nor the other ſpoken any thing, that might give the leaſt Colour of any ſuch thought of him. It

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It was referred to the ſame Committee, that is to peruſe the Journal and Records of this Houſe, to conſider what the Duty of the Clerk is in the ſafe keeping of the Records of this Houſe; and what the Privilege of the Members of this Houſe is, for the delivery or not delivery of any Papers delivered to this Houſe by Complaints or otherwiſe.

Sir *Edward Alford*'s Election.

Sir *Edward Alford* choſen for *Tewkesbury* in *Gloceſterſhire*, and for *Arundel* in *Suſſex*, has leave to reſpite his Choice till *Thurſday* come Sevennight, becauſe his Election is doubtful for *Tewkesbury*.

Mr. *Stroud*'s Election.

Mr. *Stroud* Returned for *Tamworth* in *Staffordſhire*, and *Brearalſton* in *Cornwall*, Chuſes to ſerve for *Brearalſton*, and waves *Tamworth*.

Freeholders of *Warwickſhire*'s Petition.

The Humble Petition of the Freeholders of *Warwickſhire* Read, laying open the Miſdemeanour of the High Sheriff of the ſaid County, being averred to be true; and it was thereupon ordered, That *George Warner* Eſq; High Sheriff of the ſaid County of *Warwick*, ſhall be ſent for as a Delinquent, to Anſwer his Miſdemeanours to this Houſe, being complained of for denying the Poll when it was juſtly demanded.

Petition of the Freeholders of *Leiceſterſhire*.

The Humble Petition of the Freeholders and Inhabitants of the County of *Leiceſter* was read, complaining of Mr. *Richard Holford*, for caſting out words in diſgrace of Sir *Arthur Haſlerig* Baronet, after he was declared to be choſen Knight of the Shire for the County of *Leiceſter*, declaring openly in the Field, That *they had choſen a Man for the Knight of the Shire, who had more Will than Wit; and that it was to the diſparagement of the County*: With other words of Reflection. Whereupon it was reſolved upon the Queſtion, That the ſaid Mr. *Holford* ſhould be ſent for as a Delinquent.

Sir *Nicholas Slaning*.

Sir *Nicholas Slaning* chuſes to ſerve for *Peryn* in *Cornwall*.

Novemb. 9. Mr. *Herbert*.

Ordered, That the General Order for thoſe that are double returned, ſhall not bind Mr. *William Herbert*, now *Extra Regnum*.

Petition from the County of *Northumberland*.

The Petition of the Gentry and Freeholders of the County of *Northumberland*, with a Schedule of particular Grievances annexed, complaining of the great burthen of the *Scots* Army, was read, and much debate was thereupon; but nothing then reſolved on.

Sir *William Widdrington*, Knight of the Shire for the County of *Northumberland*, ſpeaking concerning the matter of the Petition, diſtaſt was taken at him by the Houſe, for calling the *Scots*, Invading Rebels; whereupon Sir *William* ſtanding up in his place, to ſpeak by way of Explanation, Capt. *Charles Price* moved the Houſe, That they would give Loſers leave to ſpeak, with all the favourable Conſtruction that one Member ought to give another; for his whole Eſtate was under the *Scots* Power: Whereupon Sir *William* declared, That he knew the *Scots* to be the King's Subjects, and would no more call them Rebels; And with this Explanation, the Houſe reſted ſatisfied.

Sir

16 *Caroli.*
Sir *Edward Deering*'s Speech, *Nov.* 10. 1640.

Sir *Edward Deering*'s SPEECH.

Mr. Speaker,

YEſterday the great Affairs of this Houſe did borrow all the time allotted to the Grand Committee for Religion. I am ſorry, that having but half a day in a whole week, we have loſt that.

Mr. *Speaker*, It hath pleaſed God to put into the heart of His Majeſty, (for the *King's heart is in the hand of the Lord*) once more to aſſemble us into a Senate, to conſult upon the unhappy Diſtractions, the ſad Dangers, and the much feared Ruins of this late flouriſhing Church and Kingdom. God be praiſed both for his *Goodneſs*, and for his *Severity*, whereby he hath impelled this Meeting; and humble thanks unto His Majeſty, whoſe Paternal care of us his Subjects, is willing to relieve us.

The Suffrances that we have undergone are reducible to two Heads. The firſt concerning the *Church*; the ſecond belonging to the *Commonwealth*. The firſt of theſe muſt have the Firſt-fruits of this Parliament; as being the firſt in weight and worth, and more immediately referring to the Honour of God, and his Glory, every dram whereof is worth the whole weight of a Kingdom.

The Commonwealth (it is true) is full of apparent Dangers. The *Sword* is come home unto us, and the two Twin-Nations united together under one *Royal Head*, Brethren together in the Bowels and Boſome of the ſame *Iſland*, and, which is above all, imbanded together in the *ſame Religion* (I ſay the *ſame* Religion), by a Deviliſh Machination like to be fatally imbrewed in each other's Blood, ready to dig each other's Grave, *Quantillum abfuit!*

For other Grievances alſo, the poor diſheartned Subject ſadly groans, not able to diſtinguiſh betwixt *Power* and *Law*. And with a weeping heart (no queſtion) hath prayed for this hour, in hope to be relieved; and to know hereafter, whether *any thing he hath*, beſides his part and portion of the common Air he breathes in, may be truly called *his own*.

Theſe, Mr. *Speaker*, and many other, do deſerve, and muſt ſhortly have our deep regard, but *ſuo gradu*, not in the firſt place: There is a *Unum neceſſarium* above all our worldly Sufferances and Dangers. *Religion*, the immediate Service due unto the honour of Almighty God. And herein let us all be confident, that all our Conſultations will prove unproſperous, if we put any determination before that of Religion. For my part, let the Sword reach from the *North* to the *South*, a general perdition of all our Remaining right and Safety threaten us in open view, It ſhall be ſo far from making me decline the firſt ſetling of *Religion*, that I ſhall ever argue, and rather conclude it thus. The more great, the more imminent our Perils of this World are, the ſtronger and quicker ought our care to be for the glory of God, and the pure Law of our Souls.

If then, Mr. *Speaker*, it may paſs with full Allowance, that all our Cares may give way unto the Treaty of Religion, I will reduce that alſo to be conſidered under two Heads: Firſt of *Eccleſiaſtick Perſons*, Then of *Eccleſiaſtick Cauſes*. Let no man ſtart or be affrighted at the imagined length of this Conſultation; It will not, it cannot take up ſo much time as it is worth. This is God's and the King's; this is God's and the Kingdom's, nay this is God's and the two Kingdom's Cauſe.

And therefore, Mr. *Speaker*, my humble motion is, That we may all of us ſeriouſly, ſpeedily and heartily enter upon this, the beſt, the greateſt, the moſt important Cauſe we can treat of.

Now, Mr. *Speaker*, in purſuit of my own motion, and to make a little entrance into this great Affair, I will preſent unto you the Petition of a *poor oppreſſed Miniſter* of the County of *Kent*: A man *Orthodox* in his Doctrine, *Conformable* in his Life, *Laborious* in the Miniſtry, as any we have, or I do know.

He is now a Sufferer (*as all good men are*) under the general obloquy of a *Puritan* (as, with other things, was excellently delivered by that Silver Trumpet at the Bar.) The Purſivant watches his Door, and divides him and his *Cure* aſunder, to both their griefs: For it is not with him, as perhaps with ſome that ſet the Purſivant at work, glad of an Excuſe to be out of their Pulpit. It is his delight to preach.

About a week ſince, I went over to *Lambeth* to move that great Biſhop, (too great indeed) to take this danger off from this Miniſter, and to recall the Purſivant.

And

An. 1640.

And withal, I did undertake for Mr. *Wilſon* (for ſo your Petitioner is called) that he ſhould anſwer his Accuſers in any of the King's Courts in *Weſtminſter*.

The Biſhop made me anſwer (as near as I can remember) *in hæc verba* I am ſure, that he will not be abſent from his Cure a *twelvemonth together, and then (I doubt not) but once in a year I ſhall have him.*

This was all I could obtain; but, I hope, (by the help of this Houſe) before this year of Threats run round, his Grace will either have *more Grace*, or *no Grace* at all. For our manifold Griefs do fill a mighty and vaſt circumference; yet ſo, that from every part our Lines of Sorrow do lead unto *him*, and point at him the *Center* from whence our Miſeries in this Church, and many of them in the Commonwealth, doth flow.

Let the Petition be read, and let us enter upon the Work.

Sir *John Wray*'s SPEECH.

Sir *John Wray*'s Speech, *Nov.* 12. 1640.

Mr. *Speaker*,

IT was well obſerved by my Lord Keeper, That a *Multiplying-glaſs* may deceive; but the right *Engliſh Glaſs* of the Commonwealth, never; In which I diſcern ſo comely and active a motion, that out of all queſtion, ſome great Work is here to be done, ſomething extraordinary is here to be decreed; or elſe God and the King, beyond all our Expectations, at the laſt breach, would never ſo ſoon have cemented us again, to meet in this Great Council.

Mr. *Speaker*, What a happy ſight would it be, to ſee the King and his People accord? A Threefold Cord is not eaſily broken, and I hope King *Charles* his Threefold Kingdoms ſhall never be ſo divided, as to break in pieces.

Mr. *Speaker*, God knows the Diviſions of *Great Britain* have half untwiſted our Long Union; and I fear that God is angry with our National lukewarm Temper: The zeal of his Houſe hath not kindled that flame in our hearts, which our ſeeming good Actions have blown abroad; much like the walking of a Ghoſt, or lifeleſs Body, which affrights many, but pleaſeth no Beholder. *Omnia honeſta opera voluntas Inchoat*; It is the *heart* or *will* which gives the beginning to every good Action; And I hope our conſtant Reſolutions will be to ſettle Religion in its ſplendor and Purity, by pulling *Dagon* from the Altar, and whipping the *Buyers and Sellers* out of the Temple; *Pars prima bonitatis eſt velle fieri bonum.* The firſt part of Goodneſs is to have the will of being good.

God knows all our hearts, and takes notice of our inward Reſolutions, and for what Ends we come hither; if to propagate and advance his Glory and Goſpel, bleſſed ſhall this Parliament and Nation be, and then moſt happy we, *whoſe God is the Lord*, all things ſhall work together for our good. For, Mr. *Speaker*, he that turns the hearts of Kings like the Rivers of waters, will make the King and his Kingdoms, all of one mind; Long live King *Charles* the Great, and his numerous Royal Iſſue, to defend the true Faith, which will protect and keep him and his, ſafe in his Father's Throne. Never King gave more full content to his People, than His Majeſty now hath done; and I hope, never Subjects came with better hearts and affections to their King and Countrey, than we do. Let it then appear, Mr. *Speaker*, by our outward Actions and Practice, that our inward Obedience, both of heart and hand, is true, loyal and currant Coin, not falſe nor counterfeit. For *Nemo veraciter dicit, Volo, qui non facit illud quod poteſt.* No man truly ſays, I am in will and heart reſolved, unleſs according to his ability, he endeavours to perform his Reſolution, which to ſpeak the hearts of us all in this Renowned Senate, I am confident is fully fixed upon the true Reformation of all Diſorders and Innovations in Church or Religion, and upon the well uniting, and cloſe rejointing of the now diſlocated *Great Britain*: For, let me tell you, Mr. *Speaker*, that God be thanked, it is but out of *joint*, and may be yet well ſet, by the skilful Chyrurgions of this Honourable Houſe, to whoſe loving and Chriſtian care, and to whoſe tender and upright hands I leave it, only with this *Aviſo*, Let Brotherly love continue, and be conſtant, and of good courage; For the Keeper of *Iſrael*, who neither ſlumbers nor ſleeps, who delivered us from *Rome*'s *November* Powder-blaſt, will, no doubt, ſtill preſerve his Anointed our Gracious King, and us his Loyal Subjects, from all dangers of Fire, or Sword; For, *Si Deus nobiſcum quis contra nos?*

A Meſ-

A Meſſage brought from the Lords by the two *Lord Chief Juſtices*, who ſaid *the Lords deſired a Conference, and if it may be convenient preſently in the Painted Chamber, their Number is* 20, *it is concerning Breach of Priviledge of their Houſe by ſome Members of this Houſe.* To which Anſwer was immediately returned by the ſame Meſſengers, *That this Houſe will meet their Lordſhips preſently with a proportionable Number in the Painted Chamber.* And the Houſe appointed Mr. *Selden*, the Lord *Digby*, Sir *Benjamin Rudyard*, and Mr. *St. John*, to Report this Conference. *Caroli* 16. Meſſage from the Lords.

The Lord *Digby* Reported from the Conference, *That according to the Command of this Houſe, the Committee attended the Lords; the Occaſion of this Conference was expreſſed by my Lord of* Canterbury, *which was, That they conceived there hath been a Breach of the Priviledge of that Houſe, occaſioned by ſome Members of this Houſe; the matter of Fact was this, Two Lords of that Houſe*, viz. *the Earl of* Warwick, *and my Lord* Brook, *ſince the Diſſolution of the late Parliament, had their Perſons ſeized, and their Pockets ſearched, by a Clerk of the Council, Sir* William Beecher; *who being now called before the Lords, diſchargeth himſelf, upon two Warrants under the hands of the two Secretaries who were then Members of this Houſe; the Warrants themſelves are delivered unto me to be read here, and the Lords Expreſſed it was out of a deſire of all good Correſpondency between them and us, that they would not proceed in any thing in that Buſineſs, without acquainting you with it; and that this was done without any Crime urged to be done by theſe Lords either before or ſince this Fact.* A Report of the Conference by the Lord *Digby*, concerning Breach of Priviledge.

This Report being made, and the Warrants read, It was Ordered, That this buſineſs ſhould be referred to further Conſideration till to morrow Morning. *Memorand. Mr.* Speaker *had the Warrants delivered to him.*

Ordered, that Alderman *Abel* ſhall be ſent for, to appear at the Committee for Grievances, this Afternoon by Two of the Clock, and to bring with him his Patent concerning the Projects upon Wines, and all Articles and Covenants, and other Papers concerning that Buſineſs. Alderman *Abel.*

It was moved, That thoſe Members that ſtand in the Paſſage within the Houſe ſhall pay 12 d. *to the Poor, and that the Serjeant take Care therein.*

It was declared in the Houſe, That at the naming a Committee, if any man riſe to ſpeak about the ſame, the Clerk ought not to write down any more names, whilſt the Member ſtanding up, is ſpeaking. Rules to be obſerved in the Houſe.

Sir *John Clotworthy* acquainted the Houſe, That Mrs. *Anne Huſſey* Complained to an Honourable Member of this Houſe, named Secretary *Windebank*, Concerning *O Conner* an *Iriſh* Prieſt, who ſpake deſperate Words, that *there would be Cutting of Throats; and that there were for that purpoſe* 7000 *Men in Pay*; but he ſlightly referred the Examination of it to his Clerk, Mr. *Read.* *Anne Huſſey*, and O *Conner* the Prieſt.

It was moved in the Houſe, That if any Member of this Houſe did know any Projector Sitting there, that he ſhould name him; whereupon One Member produced the Docket of Mr. *William Sandys* his Patent for raiſing 12 *d.* upon the Chalder more than the old Tax that was ſet upon the Chalder of Coals at *Newcaſtle*, &c. Sitting Member a Projector.

The Humble Petition of *Peter Smart* Priſoner in the *Kings-Bench* was read, Complaining of Dr. *Coſins* his Innovations in matters of Religion in the Church of *Durham*, and of his proſecution of the ſaid Mr. *Smart* in the High Commiſſion Court at *York*, where he was ſentenced and deprived of his Living and Prebendary of *Durham*; whereupon it was Order- The Petition of *Peter Smart*, Complaining of Doctor *Coſins* and the High Commiſſion Court at *York*.

An. 1640.

ed, That *Peter Smart*'s Petition be referred to the Committee appointed to conſider of Doctor *Leighton*'s Petition: Who are to Conſider by whoſe motions and means Dr. *Coſin*'s was preferred to his late Dignity. And this Committee is impowered further, to Conſider whether any man Complained of here, being a Convocation-man, may not by Authority of this Houſe be ſent for by the Serjeant at Arms.

It was likewiſe further Ordered, That Mr. *Smart* in all his Particulars, ſhall have the Liberty as Doctor *Leighton* hath granted unto him, and that he may have Copies of the Records in the Kings-Bench, and the High Commiſſion concerning his Buſineſs (*Gratis*); and Mr. *Selden* is by Order of this Houſe added to the ſame Committee.

A Rule in Parliament.

It was this day declared in the Houſe, That when a Buſineſs was begun and in debate, if any man riſe to ſpeak to a new Buſineſs, any Member may, but Mr. Speaker *ought to Interrupt him.*

Ordered, That two Members be ſent to the Judges of the *Kings-Bench*, to acquaint them, that the Houſe of Commons have taken notice of the accuſation of *O Conner* an *Iriſh*-man, a Romiſh Prieſt or Jeſuite; and that it is now in agitation in this Houſe, and therefore for divers Weighty Reaſons, they do hold it fit that his Tryal be ſtaid, till further order be given from this Houſe.

An Order, Concerning *O Conner* the Prieſt

Ordered, That to morrow morning be appointed to take into Conſideration ſome Courſe for Supply of the King's Army, and Relief of the *Northern* Parts.

Ordered, That Sir *Thomas Roe* go up to the Lords with this Meſſage; *That whereas this Houſe received from their Lordſhips a Meſſage concerning the Treaty with the* Scots *at* Rippon, *and at* York, *to acquaint their Lordſhips, That this Houſe is ready to give them a meeting when it ſtands with their Occaſions: and as for the matter propounded at the Conference, concerning breach of Priviledge by ſome Members of this Houſe, they will return Anſwer in Convenient time.*

Conference, concerning a Treaty between both Kingdoms.

Sir *Thomas Roe* brought Anſwer, That the Lords will readily give a meeting to this Houſe in the Painted-Chamber this Afternoon, at Three of the clock, concerning the Declaration of the Treaty at *Rippon*; and the Proceedings of the Great Council at *York*, by a Committee of both Houſes.

Reporters,

Sir *Thomas Roe*, Mr. *Solicitor*,
Mr. *White*, Mr. *Grimſton*.
Mr. *Selden*,

Mr. *Perd* Reports, That Mr. *Glyn* and himſelf acquainted the Judges of the *Kings-Bench* with the Order of this Houſe, concerning *O Conner*; and their Anſwer is, *That the Order of this Houſe ſhall be Obſerved.*

O Conner.

Ordered, That Mr. *Speaker* be Intreated to be here this Afternoon, to ſit by at the great Committee of *Iriſh* Affairs; and if there be cauſe, to reſume the Chair.

Novemb. 11. Moved to have the Earl of *Strafford* accuſed of High Treaſon.

Upon the 11th of *November* a ſudden Motion was made by Mr. *Pym*, declaring that he had ſomething of Importance to acquaint the Houſe with, and deſired that the outward Room be kept from Strangers; and the outward Doors upon the Stairs lock'd; which being done, Mr. *Pym* informed the Houſe, That there were ſeveral Perſons, who have given Information,

formation, which does give a good ground for the Accuſing of *Thomas* Earl of *Strafford* of High Treaſon, [he being then newly arrived from the Army:] Whereupon the Houſe named Seven Perſons preſently to withdraw, *viz.* Mr. *Pym*, Mr. *Strode*, Mr. *St. John*, the Lord *Digby*, Sir *John Clotworthy*, Sir *Walter Earl*, and Mr. *Hampden*, to conſider of the Information againſt the Earl of *Strafford*, who immediately retired into the Committee Chamber, to prepare matter for a Conference to be had with the Lords, and an Accuſation againſt the ſaid Earl. 16 *Caroli.*

Meſſage from the Lords interpoſes in the Debate.

Whilſt the *Houſe of Commons* was in Debate about this Buſineſs of the Earl of *Straffords*, there came a Meſſage from the *Lords*, by the Lord Chief Juſtice *Bramſton*, and Judge *Foſter*, concerning a Treaty with the *Scots*, *viz. That the King hath Commanded the Lords, that were the Commiſſioners to Treat with the* Scots *Commiſſioners at* Rippon *and* York, *to give an Account to both Houſes of Parliament of that which paſſed there; to which purpoſe the Lords deſire there might be a Meeting by a Committee of both Houſes this Afternoon, if the Occaſions of this Houſe will give Leave.* To which an Anſwer was returned by the ſame Meſſengers to this purpoſe, *That the Houſe hath taken into Conſideration the Meſſage from the Lords, but that at this time the Houſe is in agitation of very weighty and important Buſineſs, and therefore they doubt they ſhall not be ready to give them a Meeting this Afternoon, as they deſire, but as ſoon as they can, they will ſend an Anſwer by Meſſengers of their Own.*

But the Commons proceed in Accuſation.

Some few Members of the Houſe of *Commons* were Jealous that this Meſſage was procured to divert the Debate about the Earl of *Strafford*; but it was not ſo, Neither did it interrupt the ſame, longer than the delivery of the Meſſage.

When the Meſſengers were gone, the Select *Committee* of Seven made their Report, *That they did find Juſt cauſe to Accuſe the Earl of* Strafford *of High Treaſon*; And further, *That the Houſe would deſire the Lords, that he may be ſequeſtred from Parliament, and Committed, and that within ſome Convenient time this Houſe will reſort to their Lordſhips with particular Accuſations and Articles againſt him.* And in the ſame Meſſage, *That the Lords be deſired, that ſome fit Courſe may be taken, that there might be a free Paſſage between* Ireland *and* England, *notwithſtanding any reſtraint lately made to the Contrary.*

Mr. *Pym* carried up the Accuſation.

Mr. *Pym* went up with the Meſſage accordingly, and at his return reports to the Houſe of *Commons*, That he had delivered the ſame.

The Houſe of *Peers* after the ſaid Accuſation, ſent a Meſſage to the Houſe of *Commons*, by the two Chief Juſtices; *That the Lords have taken into Serious Conſideration the Accuſation ſent from this Houſe againſt the Earl of* Strafford, *that they have ſequeſtred him from the Houſe, and Committed him into ſafe Cuſtody, to the Gentleman Uſher of their Houſe, and that they would move his Majeſty that the Paſſage from* Ireland *into* England *may be Open, notwithſtanding any reſtraint to the Contrary. Which his Majeſty upon Application by ſome of the Lords, was pleaſed to Grant.*

The Lords ſequeſtred the Earl of *Strafford* from the Houſe.

A Digreſſion by the Author as to the Earl of *Strafford*'s Trial.

Now as to the further Proceedings of this Houſe againſt the ſaid Earl of Strafford, *in order to his coming to Tryal, which began the* 22. *of* March, 1640, *the Author, for Methods ſake, inſerts many Particulars; but forbears to mention in this Book, any of the proceedings during the time of his Tryal, Foraſmuch as he hath faithfully publiſhed that Tryal at large, to which he refers the Reader, being in a Volume in* Folio *by it ſelf wherein the Reader may receive a full account of that moſt remarkable Tryal, and the death of the ſaid Earl, and Circumſtances attending the ſame.*

An. 1640.

Sir *George Ratcliff.*

After the Accuſation of the ſaid Earl, the Houſe fell into debate concerning Sir *George Ratcliff*; Some Members of the Houſe giving information againſt him, That there was cauſe to accuſe him of High Treaſon, and that he ought to be ſent for hither to anſwer it before the Parliament of *England*, tho he be a Member of the Parliament now Sitting in *Ireland*; but ſome ſcruples being made about ſending for him, it was referred to a Committee of Seven, *viz.* Mr. *Selden*, Mr. *St. John*, Mr. *Palmer*, Mr. *Solicitor*, Mr. *Maynard*, Mr. *Grimſton*, and Mr. *Chadwell*, to conſider of that matter, and to make a Report to the Houſe, who afterward reported, *That the Committee were of Opinion, that it is better to Examine this Matter according to the Rules and Foundation of this Houſe, than to reſt upon ſcattered Inſtances.* And therefore,

A Report from the Committee concerning Sir G. *Ratcliff.*

The Committee in their Report diſtinguiſhed between the Caſe of Sir *George Ratcliff*, and Sir *Robert King thus*; *We find an Information given of High Treaſon againſt Sir* George Ratcliff, *which if it be true, Then there is no doubt but in caſe of High Treaſon, (which Priviledg of Parliament neither here nor there doth reach unto) Sir* George Ratcliff *may be ſent for, though a Member of Parliament there.*

For the other, Sir Robert King, *the Caſe did differ; for to ſend for him to Teſtify in any Ordinary Caſe, were of Dangerous Conſequence: or to ſend for him to Teſtifie in the* Kings-Bench, *in Caſe of Treaſon where the Court doth ordinarily Sit; but this Caſe differs between ſending for a Member of Parliament to give Evidence in any ordinary thing, or in any ordinary Court; for the Parliament is a Court that doth not ordinarily Sit, a Court of the Great Affairs of the Kingdom; Therefore to be ſent for hither to this High Court, and to Teſtifie in a Caſe of the Higheſt Nature, in caſe of Treaſon, informed of againſt Sir* George Ratcliff, *we did conceive it to be no Breach of Privilege of Parliament, that he ſhould be ſent for; and if the Houſe require of us our Opinion concerning the manner of ſending for him, we ſhall tell them what we conceive of it.*

Prieſts Releaſed by Secretary *Windebanke.*

Aquila Weeks, Keeper of the *Gate-houſe*, was called in to the Houſe, who produced Three Warrants, ſigned under the hand of Mr. Secretary *Windebanke*, for the Diſcharge and Releaſement of *Fiſher* a Jeſuit Committed by the Lords of the Council, and of *Goodman* a Prieſt committed by Mr. Secretary *Windebanke*, and of *Thomas Reynolds*, a Prieſt Convicted; all being committed to his Cuſtody.

Keeper of *Newgate* Examined.

Richard Johnſon, Keeper of *Newgate*, being called in, declareth how he had been but two years Keeper of *Newgate*; that few of the Books of Commitments or Releaſements of former Priſoners came to his hands. That *Moſſe*, and *Goodman* the Prieſt or Jeſuit, were Committed to *Newgate* and releaſed by Warrant from Mr. Secretary *Windebanke*; whereupon Mr. *Secretary* was intreated to withdraw; who accordingly did, into the Committee Chamber.

Windebanke.

Grand Committee for *Iriſh* Affairs.

The Grand Committee of the whole Houſe ſate this Afternoon upon the *Iriſh* Affairs, and the *Speaker* ſate by, according to an Order made in the Forenoon. And while the Committee was Sitting, there came word that *the Lords were come, and Expected the Committee of this Houſe at a Conference.* Mr. *Speaker* aſſumed the Chair, and it was moved, That the Committees that ſate in other places, might be ſent for to attend the Conference; and that thoſe Gentlemen might be ſent for by the Mace that were gone before to the Conference.

(Rule.)

That whoſoever ſhall go forth of the Houſe in a Confuſed manner, before Mr. Speaker, *ſhall forfeit* 10s. *and that the Reporters ought to go firſt, to take their places at Conferences.*

The

The Houſe roſe, and the Committee went up to meet the Committee of the Lords at the Conference, and Mr. *Speaker* went home. 16 *Caroli.* Conferences.

November 13. 1640.

The Petitions of the City of *Norwich*, County of *Bedford*, and the County of *Warwick*, referred to the Committee of 24 appointed to draw up the Repreſentation of the State of the Kingdom, Complaining of Grievances in Church and State. Petitions of *Norwich*, *Bedford*, &c.

The humble Petition of *Richard Darley*, on the behalf of *Henry Darley* Eſq; read. *Richard Darley*'s Petition.

Ordered, *That* Henry Darley *Eſq*;, *now a Priſoner in the Caſtle at* York, *be ſent for in Safe Cuſtody, to come hither, to proſecute a Petition Exhibited here on his behalf by his Brother*; *and to require the Keeper of the Caſtle at* York, *or his Deputy, to Certifie hither the Cauſe of his Commitment, together with the Warrant. It is likewiſe Ordered, That the Petition be referred to the Committee for Courts of Juſtice, to be firſt conſidered of by them: and the Denial of the two* Habeas Corpus *moved for him, by the Judges of the* Kings-Bench, *is Specially referred to them likewiſe.* Order for *Henry Darley* Priſoner, to be ſent for.

Mr. *Baker*, a Cloſe Priſoner in the *Fleet* many years, Ordered to be ſent for hither in Safe Cuſtody by Warrant of this Houſe, to attend the Committee for Courts of Juſtice, to proſecute his Petition there, and the Committee to preſent the matter to the Houſe. Mr. *Baker*, Cloſe Priſoner, ſent for.

Ordered, That His Majeſty be moved, That the Committee for preparing the Charge againſt the Lord Lieutenant, may either have the Letters or Copies of them, deſired by the Lord *Mountnorris*, *viz.* one dated the 31. of *July*, 1635; another the 25. of *January* 1635; another in *April* 1636. Directed to the Lord Deputy of *Ireland*; Mr. *Treaſurer* offered himſelf to move the King therein. Lord *Mount-Norris* his Papers.

Ordered, That the Committee for preparing the Charge againſt the Lord Lieutenant, being now *ſine die*, meet this Afternoon at four of the Clock in the Treaſury Chamber. And the ſame Committee has power to receive all ſuch Petitions and Papers as may conduce to the Buſineſs; and have likewiſe power to ſend for Records, Papers, Parties, and Witneſſes, or any other thing that they ſhall think may conduce to the perfecting of that Charge. Further Power to the Committee concerning the Earl of *Strafford*.

The Houſe proceeded to Conſider of the Relief of the Army. Army.

Ordered, That the Houſe be reſolved into a Committee. Grand Committeee to raiſe Moneys.

Mr. *Solicitor* called to the Chair.

Mr. *Speaker* reaſſumed the Chair again.

Mr. *Solicitor* reported from the Committee, *That the Opinion of the Committee was, That the Relief we have now in Conſideration, ſhould be raiſed by Act of Parliament for the manner of raiſing it.* Relief of the *Northern* Counties by Act of Parliament.

That this Relief we have now in Conſideration, ſhall be a certain Sum. A Certain Sum.

That this Certain Sum that we have reſolved to take into Conſideration, ſhall be One hundred thouſand Pounds. Reſolved to raiſe for the Army 100000 pounds.

All theſe Particulars were by Mr. *Speaker* put to the Queſtion, and Reſolved upon by the Houſe without one diſſenting Vote, and Ordered accordingly

Ordered, That the King's Remembrancer, the Auditor of His Majeſty's Receipt, and any others his Majeſty's Officers reſpectively, whom it may Concern, ſhall make a Certificate of the laſt Subſidy, as it was Aſſeſſed upon the ſeveral Counties, whereby this Houſe may be Informed, of the Rates, as they were then paid in, and to Certifie the Returns of every County. Certificate of the laſt Subſidy.

Mr.

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Addition to the Committee for Recusants.

Mr. *George Fane*, Mr. *Thomas Cooke*,
Sir *John Wray*, Mr. *Purefoy*,
Mr. *Cage*, Mr. *Rolles*.

To be added to the Committee for Inquiry after Recusants, *&c.* and that this Committee have Power to Examine touching the Discharges of Priests, Jesuites and other Recusants, that have been formerly committed.

Order for Assistance of the Messengers sent to *Ireland*.

Ordered, That a Warrant shall issue under Mr. *Speaker*'s hand to all Mayors, Justices of the Peace, Bayliffs, Sheriffs, Constables and other His Majesty's Officers of this Kingdom, and the Kingdom of *Ireland*, requiring them to be Assistant to the Bearer or Bearers of the Warrant of this House, for the bringing in Safe Custody Sir *George Ratcliff* to this House, for the Better and more Effectual Execution of his or their said Warrants.

Order to the Post-Masters to that purpose:

And that the like Warrant shall Issue forth, directed to the Post-Masters of this Kingdom, requiring them to furnish him with so many Post-Horses and a Guide, as shall be requisite for the Effectual Execution of his said Warrant.

It is likewise Ordered, That the like Warrant shall Issue to all Mayors, Constables, Port-Reeves, or any others His Majesty's Officers whom it may concern, in any of His Majesty's Ports of *England* or *Ireland*, and to the Masters and owners of Ships, in any of His Majesty's said Ports, requiring them to give them the best furtherance they can for their Speedy and Safe Passage into *Ireland*, and back again.

Sir *Thomas Roe* Reports what passed at the Conference with the Lords concerning the Treaty with the *Scots*: viz.

Relation of the proceedings in the Treaty with the *Scots*.

'That the *Lord Keeper* spake first, and said, that His Majesty had 'Commanded the Lords Commissioners of the Great Council at *York*, &c. 'to give an account of their Treaties at *York* and *Rippon* to both Houses, 'and of His Majesty's Gracious Intentions, in a Business so much Im-'porting the Honour and Safety of the Kingdom, that there might be a 'Faithful Relation with all Candor and Clearness; which was the Sum 'of His Majesty's Instructions.

'Then his Lordship declared, *That the Lords, for the saving of time,* '*had thought fit this Account should be given to a Committee of both Houses,* '*which hath occasioned the meeting at this Conference.* And Election being 'made of the Earl of *Bristol*, by the Lords Commissioners, to speak, he 'began his Narration directed to the Lords, and to the Knights, Citi-'zens and Burgesses of the House of Commons, as follows:

That the Lords Commissioners intended not to look farther back into the business, than the Acts of their own Employments.

They did intend to give no Account of the Pacification interrupted, nor War renewed; no Account how the Armies in England, Ireland, *and by Sea, were designed, nor of any occasion: They purposed not to lay fault upon any man, nor to enquire into the Cause why the* Scots *(as they pretended from Necessity) were drawn to enter this Kingdom; Nor why the King's Army, when Service was to be done, was out of the way; But that those through whose hands these have passed, might hereafter give their own Account.*

His Lordship told us, That His Majesty was pleased to call His Great Council at York, *to whom he made two Propositions:*

The

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The firſt was, how his Army, which ſeemed to be in diſtreſs for want of Pay, ſhould be relieved and maintained?

To this, to ſhew their Duties to the King, the Lords reſolved to ingage themſelves, and to that purpoſe, to ſend choſen Deputies to London, *to Negotiate a Supply.*

The Second Propoſition was, That after the Scots *had paſſed* Northumberland, *taken* New-Caſtle, *and poſſeſſed the Biſhoprick of* Dureſm, *they ſent a Petition to His Majeſty, which contained in general terms a deſire to have their Grievances taken into conſideration.*

Which Petition and Anſwer thereunto, was read unto us, and preſented for our clearer underſtanding.

Upon receipt of His Majeſty's Anſwer, the Scotiſh *Lords ſent His Majeſty a ſecond Petition, directed in a Letter to the Earl of* Lanrick, *in which they made their particular Demands, and declared,* That according to His Majeſty's Command, they would advance no further. *And this Petition was alſo read, and delivered unto us, of which his Lordſhip deſired that great Aſſembly to take eſpecial notice, for that much of the future Diſcourſe would depend upon it.*

The Buſineſs thus ſtated at the Great Council; the Second Propoſition was, What Anſwer ſhould be made to that Petitionary Letter, and in what manner it ſhould be carried? in which His Majeſty required their Counſel.

Whereupon the Lords replyed, That it was impoſſible for them to give any well-grounded Advice, unleſs the true ſtate of his Affairs, and the condition of his Army were laid before them.

Whereupon His Majeſty commanded the Earl of Traquaire, *to make the Narration of the* Scotiſh *Buſineſs, and their late Acts of Parliament: and the Lord Lieutenant-General to give an Account in what Condition the Army ſtood; and what was anſwered by my Lord Lieutenant, was read in his own words.*

Beſides this Declaration, the Earl of Briſtol *delivered upon a further Enquiry how the ſtate of the buſineſs then ſtood, That the* Scots *Army had paſſed* Northumberland *without reſiſtance; that they had diſputed the Paſſage of the River* Tyne *at* Newburn *where our Horſe retired in diſorder; that His Majeſty's Foot-Army, conſiſting of* 12000, *or* 14000 *men in* New-Caſtle, *likewiſe retired to* York, *whereby the Town of* New-Caſtle, *a Place of great Conſideration, was without one ſtroke ſtrucken, fallen into the* Scots *hands, and the Biſhoprick of* Dureſm *brought under Contribution.*

That in this ſtate, the Gentry of the Biſhoprick repaired to Mr. Treaſurer, *who carried them to His Majeſty, from whom they were referred to my Lord Lieutenant of the Army, who gave them this Anſwer poſitively.* That they could look for no help nor Protection from the King, and therefore they might uſe the beſt means they could to preſerve their Lives and Eſtates: *Whereby thoſe diſtreſſed Provinces, the Ancient Bulwarks of this Kingdom, full of Brave and Valiant Men, being now fallen into the Power of an Army, which of neceſſity muſt live, were forced to conſent to a Contribution by Treaty, and a very heavy one, though ſuch without which the* Scotiſh *Army could not ſubſiſt.*

The Agreement was 350 l. *a day for the Biſhoprick of* Durham, 300 l. *a day for* Northumberland, 200 l. *a day for the Town of* Newcaſtle, *in all,* 850 l. *day; which ſhould it continue, would amount to* 300000 l. *for one Year.*

Theſe Gentlemen much lamented their Eſtates, that the Scots *ſhould be irritated (as they call it) by being proclaimed Traytors.*

His Lordſhip made a little Digreſſion, and asked leave to ſpeak truth, in ſuch Language, as the Scots *had preſented their ſtate unto them, That having*

16 Caroli.

ving Proclamation made againſt them, being threatned with a great Army of Thirty or Forty Thouſand Men; Another of Ten Thouſand out of Ireland, *and by Proclamation declared Traytors and Rebels: and having heard of another Army providing, of Eight or Ten Thouſand by Shipping to hinder their Trade, at leaſt their Commerce with* England, *that they were drawn together by neceſſity, as they pretended, of defence; further alledging, that it was a common diſcourſe, of which they had ſeen Papers, that they ſhould be reduced into a Province, which would be but one Summers work; therefore they having drawn their Power together, as any Nation would do, and being aſſembled, and their Countrey being poor, taking advantage of the time; And that all thoſe Armies that ſhould oppoſe them were out of the way, and thoſe Unfortunate Provinces left like a liſt of Cloath, they were forced to enter into* England; *That thus they had lamented, and thus the ſtate ſtood before the Lords, when it was examined in the Great Council.*

Thus their Lordſhips found, that the Scots *had increaſed their Confines near Fourſcore Miles in* England, *and had paſſed the Rivers of* Tweed *and* Tyne; *and that the River of* Tees, *the Boundary of* Yorkſhire, (Durham *being poſſeſſed) was not to be defended, being Fordable in many places by Forty Horſe a front; that if the* Scots *ſhould paſs that River, there was no poſſibility to hinder them from coming to* York, *or to any Part of* England; *without hazarding a Battel, which my Lord Lieutenant had declared unto them he would not adviſe; for though the King's Army conſiſted of* 17000, *or* 18000 *good Bodies of Men, Yet being untrained, and unuſed to Arms, he would be loath to hazard ſuch an Adventure upon them; but if they ſhould advance to* York, *he might make good that City. This being the Caſe, as it was preſented, my Lords adviſed His Majeſty,* That they conceived the fitteſt way was, that the *Scots*, and their Grievances, might be heard.

And whereas their Complaint had been, That their Petitions to His Majeſty had been conveyed by Conduits of an evil Relliſh, that there might be choſen ſuch Lords Commiſſioners of whoſe Integrity they could not doubt.

Whereupon His Majeſty was pleaſed to refer the Choice of the Commiſſioners to the Great Council, who made the Election with the Aſſent of His Majeſty, to whom power was given, under the Great Seal of England, *to hear whatſoever the* Scots *would lay before them, and to enter into Treaty with them, and to give Conducts, and to do all things preparatory to a Treaty.*

The firſt place of meeting was appointed at North-Allerton, *but ſome Inconveniencies being found, it was by conſent transferred to* Rippon.

For the inducement of this Meeting, a Letter of the Lord Lanricks *to the* Scots *Commiſſioners was read, and given to us.*

The Treaty thus ſetled, the Lords to be imployed receiving Inſtructions from His Majeſty by conſent of the Great Council, it was agreed they ſhould treat upon the whole buſineſs propounded by the Scots; *and left to their diſcretion to treat of a Ceſſation of Arms, as the ordinary fore-runner of all Treaties of Peace.*

When their Lordſhips came to Rippon, *the Ceſſation of Arms was the firſt propoſed; but being entered upon it, the* Scots *Commiſſioners did let their Lordſhips know, that there was ſomething neceſſary firſt to be done;* That the Countries where they lay, were become poor; That they could not think, as their Affairs ſtood, of returning home; *That His Majeſty* had reſtrained them from paſſing further: ſo that a Treaty in this Exigent was worſe than a War, unleſs means might be thought upon how they might ſubſiſt; *And hereupon they did propound,* That if it were expected

that

16 *Caroli.*

that they made no further progreſs, therein obeying His Majeſty's Command (which nothing but invincible neceſſity ſhould force them to tranſgreſs, by plundering the Countries), they muſt have maintenance for their Army.

This Motion ſeemed very ſtrange to their Lordſhips, that it ſhould be demanded to provide a maintenance for the Scots, *when the King's own Army was in great diſtreſs; yet the neceſſity ſeem'd to be ſuch on both ſides, that the Lords appointed ſome of their Company to repair to the King at* York, *to acquaint His Majeſty with the* Scots *Demands.*

Upon Debate of the buſineſs, though it were of hard digeſtion to His Majeſty, the Lords, and the whole Kingdom, that they whoſe Anceſtors had been called to adviſe upon the Ranſome of Kings, ſhould now come to conſult how to maintain an Army got into our own Bowels; Therefore their Lordſhips would not proceed without the knowledge of His Majeſty, and the Great Council: where it was found neceſſary, not for maintaining the Scots *Armies (for they might eaſily ſupply their own wants by plundering, in which courſe they might get a Million, whereas Five Thouſand Pounds would ſerve but for two Months) but to preſerve the Countreys from utter ruin, and the* Scots *from further a* [illegible] *ing, to give to their Lordſhips Commiſſion to Treat for a Competency of Maintenance during the Treaty.*

The firſt demand was Forty Thouſand Pound, which by Treaty was reduced thus, That inſtead of giving them any allowance, they ſhould be left to their proportion of that Contribution already agreed upon by the Counties, as leſs diſhonourable, than to aſſign them Maintenance.

This Point being thus ſetled, their Lordſhips proceeded to the Treaty of Ceſſation, and both were agreed and concluded, his Lordſhip propoſing the Articles themſelves to be read for more ſatisfaction.

His Lordſhip proceeded, That theſe Preparatives being ſetled at Rippon, 20 *Miles from* York, *and the time far ſpent, and the Parliament approaching, their Lordſhips reſolved to be humble Suitors to His Majeſty, That the General Treaty might be transferred to* London, *by conſent of both Parties thereunto agreeing.*

Here his Lordſhip propoſed the reading of a Letter, whereby this Tranſlation of the Treaty was moved, which was done, and delivered unto us.

To this Letter His Majeſty made a Gracious Anſwer, and conſented to transfer the Treaty to London, *where ſome of the* Scots *Commiſſioners are already, and the reſt within a day or two expected.*

Their Lordſhips having proceeded in the Treaty as far as they could go, repaired to York, *and both Articles concluded were read in His Majeſty's preſence, and that they declared,* That they had in all things punctually obſerved their Inſtructions. *Whereupon His Majeſty required them to give their Counſel, Whether he ſhould ratify and ſign theſe Articles, or not.*

To which the Lords made Anſwer, That they had ſerved His Majeſty in quality of Commiſſioners-Ambaſſadors, and had duly obſerved their Inſtructions; but now he being pleaſed to ask their Advice, they would be glad to ſerve him according to their Conſciences, and therefore beſought His Majeſty for leave to retire themſelves, and conſult of the buſineſs. *To which His Majeſty was graciouſly pleaſed to conſent.*

Upon Reſolution, conſidering the great ſtreight into which His Majeſty's Affairs were reduced, they concluded to adviſe His Majeſty to ſign, and craved leave to preſent unto His Majeſty a Declaration of their Reaſons; which were accepted, and read in the Great Council.

And their Lordſhips held it neceſſary to be read again in that Great Aſſembly, as the reſt of their Counſel.

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Theſe Reaſons being read, His Majeſty was pleaſed to ratify the Articles in expreſs words alſo read unto us.

His Lordſhip concluded this Narrative as the full Account of the Treaty, and proceeding in it to His Majeſty's Ratification, and craved leave in the next place to preſent the hard and woful Condition in which His Majeſty's Affairs then ſtood in the North.

Firſt, *That by Conſent a Contribution of* 150 l. *a day was agreed.*

That there was already ſome doubt that the Countreys were not able to bear it.

On the other ſide it was objected by the Scots, That it was impoſſible, if the payment ſhould fail, to keep their promiſe, or to obey His Majeſty, but that they ſhould be neceſſitated againſt their will to plunder the Countrey.

Theſe Doubts conſidered, it was declared by my Lord Lieutenant, That the Counties of *Cumberland* and *Weſtmorland* being at pleaſure under the *Scots* Power, it was reaſonable that in *Subſidium* they ſhould contribute ſome help to their Neighbours: *but he declared ſince their Lordſhip's coming away, the Commiſſioners left at* Dureſm, *had written,* That it was impoſſible for them to proceed in the Agreement, which i ere broken on their part, the *Scots* would alledg an impoſſibility to content to ſtarve; ſo that if ſome means were not found, by which thoſe Counties engaged might be relieved, he was afraid all their Labour and Treaty would come to nothing: *And this Letter was read and preſented unto us.*

His Lordſhip repreſented, That the Commiſſioners, and all the Lords, had engaged themſelves faithfully, and truly, to declare to the Parliament the diſtreſs of the Counties.

He declared, That it was far from their Lordſhips purpoſe to move any Supply of Money from the Houſe of Commons, but to lay the Cauſe before them, and to leave it to their Wiſdom; averring certainly, That if ſome Courſe were not taken, the whole Kingdom would be put into diſorder; Armies would not ſtarve; retiring was not yet *(as he thought)* in the thoughts of the *Scots*; Therefore they muſt plunder and deſtroy, or advance into *Yorkſhire*, and ſo farther into *England*, to ſeek Subſiſtance; the prevention whereof did highly import the King and Kingdom.

His Lordſhip propoſed another thing no leſs worthy of Conſideration to the whole Kingdom: viz. That if the *Scots* Army were provided of a Competency for the eaſe of theſe Counties, it were very ſtrange there ſhould not an equal care be had for maintaining the King's Army that ſtands before them; *he ſaid* the *Scots* Army was ſtrong and powerful, and little other reſiſtance againſt it, but the Impediments of an Army marching in Winter; but, Whether it were fit for a Kingdom to be truſted to Accidents of Froſts, with a People bred in *Swedeland*, and Cold Countries, he left to their diſcretion.

His Lordſhip confeſſed that the Scots *had made great Proteſtations, and with great Execrations averred, That they had no intent to advance forward, but return when they ſhall have received ſatisfaction.*

Yet their Lordſhips did not conceive that the Kingdom ſhould rely upon Promiſes or Proteſtations.

Many Accidents might happen, when a Nation, come from a far Countrey to a better, ſhould be told the Buſineſs they come about, was Juſt, and their Quarrel good; who finding themſelves in a fat Paſture, may pick Quarrels with their Leaders, if they ſhould go about to prevent them of the Reward of their Vertue and Valour.

Upon theſe grounds his Lordſhip preſented to the General Conſideration, the Supply of His Majeſty's Army, that it be not disbanded; which if it ſhould

come

come to paſs, Yorkſhire, *and other Parts of* England, *were left to the* Scots *diſcretion.* 16 *Caroli.*

His Lordſhip ſaid, He durſt not ſay the Scots *would not come forward, but that it was in their power, if they would, and therefore he recommended this repreſentation to the whole Body of the Kingdom, to prevent future dangers.*

He concluded with a Prayer to Almighty God to direct the hearts of all the Kingdom, and to give a Bleſſing only able to remove the great Diſtractions, ſo many, and ſo grievous, as under which, ſince the Conqueſt, this Kingdom never laboured.

There were preſented at this Conference two Papers, the one being Inſtructions from Newcaſtle *to Sir* Thomas Hope, *and others, concerning the Contribution; The other an Account of Arrears from the* 11th *of* September *to the* 20th *of* November, *which were all read unto us; nor do I know how, or to what uſe to imploy them.*

Upon this Report, It was reſolved upon the Queſtion, *That this Houſe doth approve of the Perſons of thoſe Lords that were Commiſſioners in the late Treaty at* Rippon, *to be Commiſſioners now to treat with the* Scots *Commiſſioners; with this Declaration, That no Concluſion of theirs ſhall bind the* Commons, *without their Conſent in Parliament.* Approbation of Lords Commiſſioners appointed to Treat here with the *Scots.*

The Houſe being in want of Moneys to pay the King's Army, and relieve the *Northern* Counties, which would require ſome time before Moneys could be raiſed upon the Subſidies, Mr. *Harriſon*, a Young Gentleman, and Member of the Houſe, Son to Sir *John Harriſon* of the Cuſtom-Houſe, voluntarily offered the Houſe to advance 50000 *l.* upon the Security of ſome of thoſe Members, who had voluntarily offered their Securities for the procuring 100000 *l.* Whereupon it was Ordered, That a Note of their Names ſhould be delivered to him, that he might out of the whole 100 Names make choice of 50 ſuch, whoſe Security he would reſt upon.

A Petition from the Parliament in *Ireland* was delivered by Mr. *Bellew*, and Mr. *Caſtle*, who were called in, and avowed the ſame in the Houſe.

November 14. being *Saturday*, the Houſe did not Sit. *Novemb.* 14.

November 16. being *Monday*, the Biſhop of *Lincoln* was ſent for to take his Place in the Houſe of Lords, His Majeſty having by a gracious Meſſage ſignified that it ſhould be ſo, without an enquiry into, or repetition of, what had formerly paſſed. For there being much buſineſs to be done, His Majeſty was willing there ſhould be a full Houſe. *Novemb.* 16.

Mr. *Snelling* of the County of *Buckingham*, who had been often brought before the Court of *King's-Bench*, upon his *Habeas Corpus*, and ſtill remanded to Priſon, did this day petition the Parliament for Relief.

This day there was a Paper preſented to the Houſe by a Member, concerning Fortifications, and *Ordnance mounted in the Tower*, which had been ſo placed by the Lord *Cottington*, (one of His Majeſty's Privy Council, and who had the Command of the *Tower*) when the King and his Army was in the *North*, and the *Spaniſh* Armada appeared in the *Downs*, to the great fear and diſſatisfaction of the City; but whilſt the matter was in debate, it was declared by a Privy-Councellor, That the Lord *Cottington* had delivered up his Patent, and that the King had cancelled it, and that this day the Soldiers ſhould be diſmiſſed; hereupon that Debate ceaſed.

An. 1640.

A Docquet of a Patent was preſented to the Houſe, concerning the *Hoſtmen* of *Newcaſtle*, wherein Sit *John Marley* was a Principal man in managing that Affair, and of his promoting a new Impoſition upon Coals.

It was this day Reſolved, That the Counties of *Northumberland*, *Cumberland*, and *Durham*, ſhould be exempt from their proportion of the Hundred thouſand pound Tax.

Novemb. 17. *Tueſday*, *November* 17. A Faſt.

Novemb. 18. *Wedneſday*, *November* 18. It was Ordered, That no *Member* do Viſit the Earl of *Strafford* without Licenſe.

The Commons this day, by a Meſſage to the Lords, deſired the Lords to appoint a Committee of very few, who in the preſence of ſome of this Houſe might take ſuch Depoſitions, and Examine ſuch Witneſſes as they ſhould name, upon ſuch Interrogatories as ſhall be preſented to them from this Houſe concerning the Earl of *Strafford*, and that the Examination be made Private.

Then the Houſe fell into debate concerning thoſe Lords who preſented to the King a *Petition* at *York* for the Calling of a Parliament; the Petition being read, the Houſe paſſed a Vote to this effect, *That thoſe Lords had done nothing but what was Legal, Juſt and Expedient for the good of the King and Kingdom, and is now approved by the whole Body of the Commons:* and ordered the Petition to be entred *verbatim* in the Journal.

It was this day Reſolved, That *Richard Kilvert*, the great Manager of the *Wine Project*, ſhould be ſent for; and a Particular Bill was brought into the Houſe to make him a remarkable Example to all Projectors and Monopoliſts.

Novemb. 18. The Lord *Andevor*, a Member of the Houſe of Commons, was this day, by Writ, called to the Houſe of Lords; and a Writ ordered for a new Election of a Member in his ſtead.

Novemb. 19. Upon Debate in the Houſe concerning matter of Attainders, a Committee was appointed to make ſearch among the Records of former Attainders, the Commons having then in their Proſpect, Proceedings againſt the Earl of *Strafford*.

There was read in the Houſe a Petition of Traders in Salt, of whom there was ſtill a demand made by the Projectors of the Salt Patent, for ſo much *per* weight of Salt, and particularly they complained of *Thomas Horth* of *Yarmouth*.

Novemb. 20. *Horwood's* Examination concerning Recuſants. *Robert Horwood* was called in, and being demanded many Queſtions by Mr. *Speaker*, in Anſwer unto them ſaid, That having the King's Writ to ſeize the Lands and Goods of Recuſants convict, being then Under-Sheriff for the County of *Southampton*, about two years ſince he received a Letter under Mr. Secretary *Windebank*'s hand, to countermand the power of that Writ. That he did forbear accordingly, but was afterwards complained of, and Committed to the Cuſtody of *Brooks* a Meſſenger. It being alledged he had done ſomething againſt Recuſants, notwithſtanding Mr. Secretary's Letter; And that while he was under reſtraint, he entred into a Bond of 100 *l.* to *Henry Lord* a Recuſant; he ſaid he was cauſed to enter into that Bond by Mr. *Read*, Mr. Secretary *Windebank*'s Secretary. And ſaid further, That one *Leonard Dare* offered him 30 *l.* Compoſition, not to ſtir in this buſineſs; and produced a Note under *Dare*'s hand.

This day it was Ordered, That *Thomas Horth* of *Yarmouth* be forthwith ſent for as a Delinquent, and required to bring the Patent for Salt, and all ſuch Bonds as have been entred into for the payment of the Tax impoſed upon Salt.

Mr.

16 *Caroli.*

Mr. *Whiſtler* of *Grays-Inn*, Reported from the Committee for *Iriſh* Affairs, That their Grievances are ſet forth in a *Remonſtrance* made by the Commons Houſe of Parliament now ſitting in *Ireland*, preſented to the Lord Deputy *Wandesford*, wherein it appeared,

That Trading was deſtroyed, Unlawful Impoſitions Impoſed, Cauſes for Goods and Lands Arbitrarily determined by the Council Table, where no Writ of Error can lye; That there is a Monopoly on the Salt Trade, and Tobacco, of more gain to the Parties intereſſed therein, than the King's whole Revenue in Ireland.

Upon debate thereof, It was Ordered, That Sir *Paul Davyes* Clerk of the Council in *Ireland*, do ſend with all ſpeed a *Tranſcript* of ſuch *Proceedings at Council Board*, as have been ſince the time that the Earl of *Strafford* was firſt Deputy of *Ireland*, which do concern the particular Eſtates, Property and poſſeſſion of the Subjects, and particularly that the Warrants to lay Taxes upon Tobacco be tranſmitted.

None to ſit in the Houſe, but ſuch as receive the Communion.

Sir *Robert Harley* Reports from the Committee for the Communion, That none ſhould ſit in that Houſe after the Communion Day, but thoſe that had firſt received the Sacrament. And a Committee was appointed to go to the Lord Biſhop *Williams* Dean of *Weſtminſter*, to deſire that the Elements might be Conſecrated upon a Communion Table ſtanding in the Middle of the Church according to the Rubrick, and to have the Table removed from the Altar thither. The Dean replied, *He would readily do it at their Requeſt, and would do the like for any Pariſhioner in his Dioceſs.*

This day the Houſe Ordered the *Speaker* ſhould Sit in the Afternoon.

Novemb. 21. Clerk of the Market.

Saturday, *Novemb.* 21. The Bill concerning the Clerk of the Market to be read on *Monday* morning, and a Catalogue of Bills to be brought hither, and preſented to this Houſe on *Monday* next.

Joſeph Hawes Petition Referred to the Committee for Grievances, being againſt the Monopoly for *Tobacco*. Sir *Jo. Nulls*. Sir *John Jacob* to withdraw.

The humble Petition of *Joſeph Hawes* read, and referred to the Committee for Grievances, and that all Extent upon Bonds by reaſon of the matters ſet forth in the Petition, be ſtayed; and that the Patent for the *Monopoly of Tobacco* be forthwith brought into this Houſe; And that the *Referrees*, to whom the Legality of this *Patent* was referred, attend the ſaid *Committee* at the ſame time. Sir *John Nulls* is ordered likewiſe to attend the ſaid *Committee* at the ſame time.

The buſineſs concerning Sir *John Jacob*, complained of by Mr. *Trelawny* a Member of this Houſe, is referred to the Committee for Monopoliſts, and he to withdraw in the mean time, and not to ſit till his Cauſe be heard.

Dr. *Coſins* Delinquent.

Reſolved upon the Queſtion, That Doctor *Coſins* be forthwith ſent for as a Delinquent, by the Serjeant at Arms attending on this Houſe.

Articles by a Member againſt the Earl of *Strafford*.

The Articles offered by a Member of this Houſe againſt the Earl of *Strafford*, are referred to the Committee that are to draw up the Charge againſt the ſaid Earl.

Vintners Petition.

The Petitions from many of the Vintners, and from the Merchant-Adventurers, referred to the Committee for Grievances.

Sir *Nicholas Criſpe* his Patents to be brought in.

It is Ordered, That Sir *Nicholas Criſpe* attend the Committee for Grievances, and that he bring forthwith to this Houſe the Patent for the ſole Trade to *Guinney*, and the ſole Importing of *Red-wood*; and the Patent concerning *Coperas Stones*, and the Patent for the ſole making and vending of Beads and Beaugles.

Ticket at the Communion.

The Members of this Houſe are required when they come to receive the Communion to morrow, to bring with them every Man a Ticket of his Name, and the Place for which he ſerves, to deliver it to one of the Committee, appointed for that purpoſe. Sir

An. 1640. Sir *Hen. Spiller.*

Sir *Henry Spiller*, a Juſtice of Peace, being accuſed for Releaſing and Conniving at Popiſh Prieſts, 'tis ordered he ſhould remain ſtill in ſafe Cuſtody, till he underſtand the further pleaſure of the Houſe.

Committee to prepare Charge againſt Sir *Hen. Spiller.*

Mr. *Grimſton*,
Mr. *Whiſtler*,
Mr. *Perd*,
Mr. *Glyn*,
Sir *Tho. Barrington*,
Mr. *Trencher*,
Mr. *Green*,
Mr. *Bagſhaw*,

The Knights of *Middleſex*, and the Knights and Burgeſſes of *Bucks.*

This Committee is to prepare the Charge againſt Sir *Henry Spiller*, and have power to ſend for Records, Parties, Witneſſes, and Papers, and are to meet on *Monday* in the Afternoon at Two of the Clock in the Court of Wards.

Edward Sharpe Priſoner, to Proſecute, *&c.*

A Warrant is to be ſent to the Keeper of *Newgate*, requiring him to bring in Safe Cuſtody the Body of *Edward Sharpe* to the Committee for Sir *Henry Spiller*'s buſineſs, which ſits on *Monday* in the Afternoon, and the ſaid *Sharpe* is to have the favour of this Houſe in the ſame meaſure as *Leighton* has.

Edw. Sharpe.

The Petition of *Edward Sharpe* is referred to the ſame Committee, and ſo is the Petition of *Edmund Felton* Gent.

Grand Committee.

By Order the Houſe is reſolved into a Committee, Mr. *Sollicitor* was called to the Chair.

Mr. *Speaker* reaſſumed the Chair.

To make known the Names of the Members for ſecurity.

Mr. *Sollicitor* Reported from the Grand Committee, That they were of Opinion, That the Lord Mayor and Court of Aldermen ſhould have knowledg of the Names, and of the Security offered by this Houſe, that they may conſider of it, and return their Anſwer on *Monday* next.

To inquire what *Papiſts* are Commanders in the King's Army.

Mr. *Sollicitor* further Reported, That the Committee was of Opinion, That a Committee would be appointed to conſider of the *State of the King's Army*, and what *Commanders* or other inferior Officers are *Papiſts*; and to conſider of the State of the *Northern* Counties, and the payments iſſuing thence to the *Scottiſh* Army, and how the Money being raiſed may with conveniency and ſpeed be ſent into the *North*, and to ſee whether any of thoſe Charges that lye upon the Army, may conveniently be ſpared, and to have power to ſend for the Liſt of the Army, and any perſons that may Conduce to the buſineſs. This was Voted in the Houſe, and Reſolved upon by Queſtion; and thereupon

Committee to conſider of the State of the King's Army.

Sir *William Udall*,
Sir *Peter Hayman*,
Sir *John Hotham*,
Mr. *Hampden*,
Sir *Chriſtopher Wray*,
Mr. *Kirton*,
Collonel *Aſhburnham*,
Sir *Ralph Hopton*,
Sir *John Merrick*,
Captain *Rainsborow*,
Mr. *Pureſoy*,
Mr. *Capell*,
Commiſſary *Wilmot*,
Mr. *Noell*,
Sir *Walter Earl*,
Sir *Gilbert Gerrard*,
Mr. *Hollis*,
Sir *Robert Harley*,
Sir *Henry Bartley*.

were named a Committee to conſider, *&c.*

This

An. 1640.
Sir *Edward Deering's* Speech, *Nov.* 21.

This day Sir *Edward Deering* made the following Speech, at the Grand Committee for Religion.

Mr. *Chairman*,

YOU have many private Petitions, give me leave (by word of Mouth) to interpoſe one more general, which thus you may receive.

God's true Religion is violently Invaded by Two ſeeming Enemies; but indeed they are (like *Herod* and *Pilate*) faſt friends for the Deſtruction of Truth: I mean the *Papiſts* for one Party, and our *Prelating Faction* for the other. Between theſe Two in their ſeveral progreſs, I obſerve the concurrence of ſome few parallels, fit (as I conceive) to be repreſented to this Committee, and the Honourable Houſe.

Firſt, With the Papiſts there is a ſevere *Inquiſition*, and with us (as it is uſed) there is a bitter *High-Commiſſion*; both theſe (*contra fas & Jus*) are Judges in their own Caſe; yet herein their Inquiſitors are better than our High-Commiſſioners: They (for ought I ever heard) do not *Sævire in ſuos*, Puniſh for Delinquents and Offenders, ſuch as Profeſs and Practice according to the Religion Eſtabliſh'd by the Laws of the Land where they Live.

But with us, how many poor Diſtreſſed Miniſters; Nay, how many ſcores of them in a few Years paſt, have been *Suſpended*, *Degraded*, *Deprived*, *Excommunicated*, not Guilty of the Breach of any of our eſtabliſh'd Laws? The Petitions of many are here with us, more are coming; all their Prayers are in Heaven for Redreſs.

Secondly, With the Papiſts, there is a myſterious Artifice; I mean their *Index Expurgatorius*; whereby they Clip the Tongues of ſuch Witneſſes, whoſe Evidence they do not like. To this I parallel our late *Imprimaturs*, Licenſes for the Preſs; ſo handled, that Truth is ſuppreſt, and Popiſh Pamphlets fly abroad, *Cum Privelegio*; Witneſs the Audacious and Libelling Pamphlets againſt true Religion, Written by *Pocklington*, *Heylin*, *Dow*, *Coſins*, *Shelford*, *Swan*, *Reeves*, *Yates*, *Hauſted*, *Studly*, *Sparrow*, *Brown*, *Roberts* —— many more; —— I name no *Biſhops*, but I add *&c.* Nay they are already grown ſo *Bold* in this new Trade, That the moſt Learned Labours of our Ancient and Beſt Divines, muſt be now *Corrected* and Defaced with a *Deleatur*, by the Supercilious Pen of my Lords young Chaplain, fit (perhaps) for the Technical Arts, but unfit to hold the *Chair* of Divinity.

But herein the Roman Index is better than our *Engliſh* Licenſers; they thereby do preſerve the current of their own eſtabliſh'd Doctrine, a point of Wiſdom. But with us, our Innovators by this Artifice do alter our ſetled Doctrines; nay, they do ſubinduce points repugnant and contrariant; and this I dare aſſume upon my ſelf to prove.

One Parallel more I have, and that is this: Amongſt the Papiſts, there is one acknowledged *Supream Pope*; Supream in Honour, Order, and in Power; from whoſe Judgment there is no appeal, —— I confeſs (Mr. *Chairman*) I cannot altogether match a Pope with a Pope (yet one of the Ancient Titles of our *Engliſh* Primate was *Allerius Orbis Papa*) but thus far I can go, *Ex ore Suo*, it is in Print, —— he pleads fair for a *Patriarchate*: And for ſuch an one, whoſe Judgment he (beforehand) profeſſeth ought to be *Final*, and then I am ſure it ought to be *Unerring*. Put theſe together, and you ſhall find that the *final determination of a Patriarch*, will want very little of a Pope, —— and then we may ſay

——— *Mutato Nomine de te*
Fabula Narratur. ———

he pleads Popeſhip under the name of a Patriarch; and I much fear leſt the end and top of his Patriarchal plea, may be as that of Cardinal *Pole* his predeceſſor, who would have two Heads, one *Caput Regale*, another *Caput Sacerdotale*; a proud parallel, to ſet up the Mitre as high as the Crown. But herein I ſhall be free and clear; if one there muſt be (be it a Pope, be it a Patriarch) this I reſolve upon for my own choice, *procul a Jove*, *procul a Fulmine*; I had rather ſerve one as far off as *Tiber*, than to have him come ſo near as the *Thames*: A Pope at *Rome* will do me leſs hurt than a *Patriarch* may do at *Lambeth*.

I have

An. 1640.

I have done, and for this third parallel I ſubmit it to the Wiſdom and Conſideration of this *Grand Committee for Religion.* In the mean time I do ground my motion upon the former Two, and it is this in brief.

That you would pleaſe to ſelect a Committee of a few, and to impower them for the diſcovery of the Numbers of oppreſſed Miniſters under the Biſhops Tyranny for theſe Ten Years laſt paſt; we have the complaints of ſome, but more are ſilent; ſome are patient and will not Complain; others are fearful and *dare not*; many are beyond Sea and *cannot*.

And in the ſecond place, that the Sub-Committee may examine the *Printers* what Books by bad Licenſes have been corruptly iſſued forth, and what good Books (like good Miniſters) Silenc'd, Clipp'd or Cropp'd.

The work I conceive will not be difficult, but will quickly return into your hands full of weight.

And this is my Motion.

Dungennes Lights refer'd.

Monday Novemb. 23. The buſineſs concerning the Lights of *Dungennes*, and *Wintertouneſſe*, is referred to the Committee for Trade, and the Parties intereſſed in thoſe Lights, are to attend the ſaid Committee.

Referrees for Grants of Monopolies to be inquir'd after.

By Order of this Houſe, This Clauſe is to be added to the Committee for Monopoliſts, *That the Referrees of all Patents and Grants of Monopolies, and ſuch as have Adviſed, and Counſelled the King touching them, be inquired of by this Committee.*

All Grants of Monopolies to be brought in.

And that all Patents and Grants of Monopolies *that have been complained of in this Houſe, be forthwith brought into this Houſe.*

Calveskins and *Raw Hides* referred to the Committee for Trade.

The buſineſs concerning the Tranſporting of *Raw Hides* and *Calveskins* is referred to the Committee for Trade; and it is Ordered, That thoſe that have any benefit by thoſe Patents, or that Licenſe any by authority of thoſe *Patents* to Trade in the Commodities aforeſaid, be required to attend the ſaid Committee.

Grocers Petition.

The *Grocers Petition* was read, and referred to the Committee for Grievances; Complaining of Projects upon their Commodities.

A *Petition* from *Salters* and *Dyers* was likewiſe referred to the ſame Committee, Complaining of the like Grievances.

Committee for the Earl Marſhal's Court.

Mr. *Selden*,	Mr. *Pierpoint*,
Mr. *Hollis*,	Mr. *Henry Bellaſis*,
Mr. *Hide*,	Mr. *Palmer*,
Sir *Henry Mildmay*,	Sir *Peter Hayman*,
Sir *Simon D'Ewes*,	Mr. *Broxam*,
Lord *Faulkland*,	Sir *John Culpeper*,
Mr. *Chadwell*,	Sir *Philip Stapleton*,
Sir *Tho. Bowyer*,	Mr. *Maynard*,
Dr. *Eden*,	Sir *William Udall*,
Dr. *Parry*,	Sir *Ralph Hopton*,
Mr. *Capel*,	Mr. *St. John*,
Mr. *Sollicitor*,	Mr. *Bagſhaw*,
Sir *Tho. Barrington*,	Sir *Guy Palmes*,
Sir *Francis Seymor*,	Mr. *Biſſe*,
Sir *William Litton*,	Mr. *Whiſtler*,
Sir *Edward Deering*,	Sir *Chriſtopher Wray*.

Power to the Committee for the Earl Marſhal's Court.

This Committee is to receive all Petitions that are or ſhall be delivered concerning the High Conſtable, and Earl Marſhal's Court, and to enquire after the Fees of the High Conſtable, and Earl Marſhal's Court, and the Herauld's Fees, and to conſider of he proceedings and power of the High Conſtable

Conſtable and Earl Marſhal's Court, and to Report the ſtate of the whole matter to the Houſe, and has power to ſend for Writings, Books, Records, Papers, Officers, Parties and Witneſſes, and to aſſign and hear Counſel, and are to meet on *Wedneſday* in the Afternoon, at Two of the Clock, in the Star-Chamber. *16 Caroli*

Mr. *Speaker* delivered a Meſſage from his Majeſty to this effect: Meſſage from the King concerning Mr. *Haywood* imployed to preſent a Liſt of Papiſts, who was ſuddenly ſtabb'd.

THat His Majeſty takes Notice of a foul and horrible fact committed on Saturday *laſt in his own Pallace upon Mr.* Haywood *while he was imployed in the Service of the Houſe of Commons, and doth recommend it to the Parliament to take courſe for a ſpeedy and exemplary puniſhment of it.*

Committee to enquire of the Fact.

Sir *Thomas Widdrington*, Sir *Arthur Ingram*,
Mr. *Glyn*, Mr. *Upton*.
Mr *Wheeler*,

This Committee is to inquire after the Fact of *John James* committed upon Mr. *Haywood*, and has power to ſearch his Trunks, Boxes, or any other thing that may conduce to this buſineſs. *John James* who ſtabbed *Haywood*.

The Honourable Perſons near the Chair are deſired, in the Name of this Houſe, to return humble Thanks to his Majeſty for his Gracious Meſſage, and the great Care therein expreſt for the Safety and Preſervation of this Aſſembly. Thanks to the King.

The Petitions from the City of *London* concerning Recuſants, and the Catalogue of Recuſants Names delivered in from Mr. *Haywood*, are referred to the Committee for inquiry after Papiſts, and delivered unto them. The Citizens of *London* in their Petition do offer to guard the Parliament, looking upon this Fact done upon *Haywood* to have a deeper Deſign upon the Parliament. Whereupon it was Reſolved upon the Queſtion, Recuſants names in *Weſtminſter*.

That it is expedient for this Houſe to accept of this Guard ſo kindly offered to this Houſe for their Safety. But the conſideration of this buſineſs concerning a Guard, is referred to a further Debate till to morrow morning. Conſideration of a Guard.

That Mr. *Pym* do make a Report of the Charge againſt the Earl of *Strafford* to morrow morning at Nine of the Clock. Report.

The Committee for preparing the Bill for the Grant of 100000 *l.* now *ſine die*, is to meet this Afternoon at Two of the Clock in the Exchequer Chamber, and no other Committee is to take up that place, and all that are of that Committee are to attend that Committee, and no other at that time. Committee for the Bill of 100000 *l.*

Ordered, That ſo many of the Committee that is appointed to conſider of the State of the King's Army, (as the Committee ſhall think fit) ſhall have power to Treat with ſome of thoſe Lords-Commiſſioners that are appointed to Treat with the *Scottiſh* Commiſſioners concerning the Contributions in the *Northern* Parts. Contribution in the *North*, to the *Scots* Army.

Tueſday Novemb. 24. Petition, and Proclamation touching *Pin-makers*, referred to the Committee for Grievances, complaining of a Project upon Pins. *Novemb.* 24. *Pin-makers* Petition complaining of the project upon *Pins*.

An Act for Reverſal of a Decree made in *Chancery* and *Star-Chamber*, between Sir *Arnold Herbert* Knight, Plaintiff, and *Lownes & al'* Defendants.

That the Sheriff of *Warwick* be brought hither to morrow morning. *Sheriff.*

An. 1640.

Sir *John Holland* declares himſelf free from Popery.

Sir *John Holland* deſiring to clear himſelf from any Opinion that might reflect upon him of being a Papiſt, upon that conſideration that his Wife was, and continues a Papiſt; was upon what he ſaid and profeſſed there, cleared by queſtion from any ſuch Opinion, and the whole Houſe reſted very well ſatisfied with that declaration he voluntarily made of his affection and conſtancy to the Proteſtant Religion.

Mr. *Norton's* Examination againſt Dr. *Coſins.*

One Mr. *Norton* a Divine was called in, and examined, and to divers Queſtions demanded of him by Mr. *Speaker*, anſwered,

That he had a Son at Cambridge, *and certain Fellows of* Peter Houſe *endeavoured to ſeduce him to Popery, pretending that Dr.* Coſins *would make him a Fellow of* Peter-Houſe *if he would come thither.* Thus much appeared upon Oath, and that he was forced to ſend for his Son away; He further ſaid, *He hath a Copy of the Arguments that paſſed between them and his Son. That the Queſtions in* Peter Houſe *Chappel are maintained and held as they are at* Rome; and inſtanced ſeveral of the Queſtions. This referred to the Committee for Mr. *Smart's* Petition.

Report concerning the King's Army.

Sir *John Hotham* Reports from the Committee for inquiry after the State of the King's Army, *&c.* The Conſideration whereof is to be the firſt buſineſs to morrow Morning at Nine of the Clock.

Keys brought up.

Upon Mr. *Pym's* Motion, the Outward Room was cleared, and the Keyes of the Outward Door, and the Houſe Door, brought up to the Clerks Table.

Mr. *Pym* Reports the Earl of *Strafford's* Charge.

And then Mr. *Pym* Reported from the Committee appointed to draw up the Charge againſt the Earl of *Strafford:* And the Title of the Charge, and every particular Article, and the Concluſion, and the addition to the Concluſion were diſtinctly read, and ſeverally put to the queſtion, and every particular of them Reſolved upon by Vote of the Houſe.

Mr. *Peard* explains concerning the word Regal.

Mr. *Peard* was by Vote cleared from any imputation to be laid upon him for any expreſſion or any interpretation he made of the word *Regal,* uſed in one of the Articles of the Charge againſt the Earl of *Strafford.*

Articles to be engroſſed againſt the Earl of *Strafford.*

The Articles thus Reſolved upon by queſtion, were by another queſtion Ordered to be engroſſed againſt to morrow morning, and no Copies to be delivered of them in the interim; and the ſame Committee that prepared the Charge, is to draw up the Interrogatories, and Mr. *Pym* is to go up to the Lords with the Charge.

New Canons.

Thurſday next is appointed for the Debate of the New Canons, and the Benevolence granted by the Clergy.

Ship-money.

Friday morning Nine of the Clock next, is appointed for the Debate concerning *Ship-money.*

Novemb. 25. Mr. *Foxleys* Petition referred to Doctor *Leighton's* Committee.

Wedneſday Novemb. 25. Mr. *Foxley's* Petition read and referred to the Committee for Dr. *Leighton's* Petition, Complaining of his long Impriſonment (being one of the Feoffees for Impropriations) by the means of the Archbiſhop of *Canterbury, &c.* and is to have the like favour and priviledges of this Houſe, as Doctor *Leighton, &c.*

Report againſt Dr. *Laifield* for ſetting the Communion Table altaawiſe.

Mr. *White* Reports from the Committee for Religion, *That the Petition againſt Doctor* Layfield, *Vicar of* Alhallows Barking, London, *was examined by the Committee, and fully proved. He hath ſet the Communion Table Alter-wiſe, Cauſed Rails, and* 10 *ſeveral Images upon thoſe Rails, to be ſet at the Altar. He bowed three times at his going to the Rails, twice within the Rails, and once at the Table, and ſo in the Return. But ſince the Images were taken down, upon Complaint made by the Pariſh, he hath bowed but twice, and that is within the Railes, and at the Table, which is an argument*

16 *Caroli.*

ment he bowed before to the Images. He hath cauſed I. H. S. *to be ſet up in Golden Letters upon the Table, and* 40 *places beſides; ſaid to the People,* Heretofore we ſaw Chriſt by Faith, but now by our fleſhly Eyes we ſee him in the Sacrament. *When theſe Images were taken down, he charged them with Sacriledge. He refuſeth to give the Sacrament to his People, unleſs they came to the Altar, though they have offered reverently kneeling to receive the ſame in the body of the Church. He cauſed one* Boulton *to be excommunicated for not coming up to the Railes to receive, and refuſed to read his Abſolution. He ſaid he would not for* 100 l. *come from the Railes to give the Sacrament; nay he would rather loſe his Living. That they are black Toads, ſpotted Toads, and venomous Toads, (like* Jack Straw, *and* Wat Tyler) *that ſpake againſt the Ceremonies of the Church, and that they were in the ſtate of damnation. He tells them they muſt confeſs their ſins, and he hath power to abſolve them. He is their Paſtor, and they ought to do as he adviſed them; the ſin is his, and not theirs.*

Dr. *Layfield* to be ſent for, notwithſtanding he be a Convocation Man. Sir *Henry Spiller* favour'd a Miniſter who denied the Sacrament to his Pariſhioner.

The Committee were of Opinion, That though he were a Member of the *Convocation Houſe*, yet ſhould be *ſent for* as a Delinquent.

Mr. *White* did further Report, That *William Coltman*, who was denied the Sacrament by *Hugh Roberts* his Curate, did indict him at the Seſſions at *Newgate*, but Sir *Henry Spiller* would by no means ſuffer him; ſaid *he was a bold Fellow, and ſhould be talked withal elſewhere.*

The Witneſs further ſaid, *That the other day meeting Sir* Henry Spiller *at the Door here, he ſaid he was deſirous he ſhould have Juſtice done him, and had ſent to my Lord Biſhop of* Canterbury, *and* London, *for they would not ſuffer him to proceed.*

Repott of St. *Gregory's* Church.

Mr. *White* further Reports, *That the Church of St.* Gregories *in* London *was an Ancient Church,* 3000 *Souls in that Pariſh, Woollen-Drapers of good quality, four years ſince beſtowed* 1500 l. *in the beautifying of the Church; ſhortly after the Lord Treaſurer, and Lord* Cottington, *cauſed a great part of it to be pulled down by command from the King and Council, as they pretended; they petitioned the Lords of the Council, but could have no redreſs.*

Committee are of Opinion, That it is a great Grievance, done without Law, and againſt Law, to ſtop the People of Meeting in the Worſhip of God; That this be ſent up to the Lords among others of our great Grievances, That it may be re-edified by thoſe that cauſed it to be pulled down.

Dr. *Layfield* a Delinquent.

Ordered, Dr. *Layfield* Vicar of St. *Alhallows Barking* to be forthwith ſent for as a Delinquent by the Serjeant at Arms attending on this Houſe, notwithſtanding he is a Member of the *Convocation* Houſe.

Ordered, The whole buſineſs concerning *Coltman*'s being denied Juſtice by Sir *Henry Spiller* at the Quarter-Seſſions, be referred to that Committee that is to prepare the Charge againſt Sir *Henry Spiller.*

The pulling down of St. *Gregory's* Church referred to a Committee of 24.

Ordered, That the buſineſs concerning the pulling down of the Pariſh Church of St. *Gregories* by *Pauls*, by vertue of an Order from Council-Board, be referred to the Committee of 24, and they are to Report to this Houſe their Opinions of the particular buſineſs which this day was preſented to this Houſe from the Grand Committee for Religion, as a great Grievance.

16 *Caroli.*

Committee for St. *Gregory*'s Church.

Mr. *Selden*,
Mr. *St. Johns*,
Mr. *Perd*,
Mr. *Whiſtler*,
Mr. *Goodwyn*,
Sir *Tho. Widdrington*,
Mr. *Crew*.
Mr. *Potts*,
Mr. *Hampden*,
Mr. *Glyn*,
Mr. *Kyrton*,
Sir *Dudley North*,
Mr. *White*,
Mr. *Bagſhaw*.

The Power given to that Committee.

This Committee is to take into conſideration the Pariſhioners Complaint of the Pariſh of St. *Gregory*'s by *Pauls*, concerning the pulling down of their Church by force of an Order from the Council-board, and are to think of ſome way of redreſs for them, and have power to ſend for *Inigo Jones*, and any other Perſon as they ſhall think fit, and are to meet to morrow in the Afternoon, at two of the Clock in the Exchequer Chamber.

Conference about the Earl of *Strafford*'s Articles.

That the Lord *Digby* be ſent up with this Meſſage to the Lords, *That this Houſe deſires a Conference with their Lordſhips by a Committee of both Houſes, concerning Articles to be exhibited againſt the Earl of* Strafford.

(Rule.) Meſſengers to go out firſt.

Ordered, That when any Meſſage is to go up to the Lords, none ſhall go out of the Houſe before the Meſſenger.

Lord *Digby*'s Report.

Lord *Digby* brings Anſwer, *That their Lordſhips have conſidered the Meſſage, and deſire to meet a Committee of this Houſe with a Committee of theirs preſently in the Painted Chamber.*

Articles againſt the Earl of *Strafford* ingroſſed and agreed unto.

The Ingroſſed Articles were again preſently read in the Houſe, and agreed to be ſent up to the Lords by Mr. *Pym*, by Vote upon the Queſtion.

Mr. *Pym* leave to ſpeak.

Mr. *Pym*, before he went, made a ſhort declaration of the ſubſtance of that he intended to deliver unto the Lords, both before, and after the delivery of the Articles; of the nature of the Charge, and of the Legal Prerogative of the King, and of the courſe of ordinary proceeding in a Caſe of this nature.

Mr. *Pym*'s Report of the Conference.

Mr. *Pym*'s Report of the Conference with the Lords in delivering up the Articles againſt the Earl of *Strafford*, *That he attended the great Committee of this Houſe, and in their preſence delivered to the Committee of the Lords Houſe, the Charge againſt the Earl of* Strafford, *put into his hands; and if any thing paſſed him through weakneſs, or diſability, he deſired the excuſe of this Houſe.* Whereupon it was moved, That Mr. *Pym* might have Thanks for his well delivery of the Charge againſt the Earl of *Strafford*.

Thanks to Mr. *Pym*.

Mr. *Harriſon*'s generous offer to lend 50000 *l.* for relief of the *Northern* patts.

Upon Mr. *Harriſon*'s Offer of furniſhing 50000 l. *upon Fifty of thoſe Hundred Gentlemens ſeveral Securities that voluntarily offered their Securities for a Hundred thouſand pounds*, It was agreed that he ſhould have a Note of their Names delivered unto him, that he might of the whole Hundred make choice of Fifty, ſuch whoſe Securities he would ſeverally take for this Fifty thouſand pounds, until the Act of Parliament be paſs'd for grant of the Hundred thouſand pounds; and then theſe ſeveral Securities are to ſtand no longer, but he, or whom he ſhall appoint, are to be made Treaſurers for 50000 *l.* of that Money.

Knights of the Shire to attend.

Moved, That one of the Knights for every Shire do attend the Committee that is to prepare the Bill for the Grant of the Hundred thouſand pounds.

Mr. *Trea-*

Mr *Treaſurer* to move my *Lord General*, That thoſe Commanders of the King's Army which are not Members of this Houſe, may preſently be ſent down to the Army *to keep the Soldiers in better Order.*

Caroli 16. Commanders to repair to the Army.

Mr. *Sollicitor* Reports from the Committee that is to prepare the Bill for the Hundred thouſand pounds, That *according to the Rate of the laſt Subſidy paid, That that part that fell upon the Lords according to that rate, ſhould be deducted out of this Sum, before we come to diſtribution of the ſeveral Shires to aſſeſs the Lords by themſelves. The Queſtion that ariſeth in this matter is, Whether the proportion that now ſtandeth on the Houſhold, ſhould ſtand according to the old rate.*

Report of the Rate of Subſidy.

This Committee in framing this Bill, is to proceed according to the old rate as touching the King's Houſhold; and the whole Houſe did ſeem generally to be of Opinion, *That in all other particulaes they ſhould obſerve the old way.*

Old Rate.

Thurſday, November 26. *That neither Book nor Glove may give any man Title or Intereſt to any place, if they themſelves be not here at Prayers.*

Novemb. 26. (Rule.) No privilege for place, if after Prayers.

The Petition from the County of *Somerſet* referred to the Committee of 24; complaining of Grievances in Church and State.

Somerſet Petition referred.

An Act concerning the Office of the *Clerk of the Market*, read the firſt time.

Clerk of the Market.

The *Petition* from the Inhabitants of the ſeveral Towns of *Abergenny*, *Uſk*, and *Newport* in *Wales*, read, and referred to the Committee for Priviledges.

South Wales.

The Committee for Monopoliſts now *ſine die*, to ſit in the Afternoon on *Saturday* at Two of the Clock in the Court of Wards; and it was moved that ſome Merchants might be added to that Committee.

Committee of Monopoliſts.

Mr. *Maynard* Reports from the Committee for Privileges, That it did appear to the Committee, That 21 *Ed.* 1. the Town of *Hunnyton* did ſend ~~Two~~ Burgeſſes to Parliament; for it appears by a Writ at that time, that they ſhould ſend thoſe to that Parliament. It alſo appear'd, that before 26 *Ed.* 1. *Aſperton* ſent Burgeſſes to Parliament. It further appeared by current proof, that theſe Towns being ſtill Burroughs, did pay the Charge of Burrough-Towns, Tenths, and not Fifteenths, as *Marlo Magna* did; And therefore it was the Opinion of the Committee, that theſe Towns ought to be reſtored: And upon Mr. *Maynard*'s Report, it was Reſolved upon the Queſtion, That the two Towns of *Hunnyton* and *Aſperton* in the County of *Devon* ſhould be reſtored to their Ancient Rights and Privileges of ſending Burgeſſes to Parliament, and that a Warrant iſſue forth under Mr. *Speaker*'s hand directed to the Clerk of the Crown for new Writs accordingly.

In *Devonſhire*, *Hunniton* to ſend Burgeſſes, and *Aſperton* alſo.

Reſolution to be reſtored upon that report.

It was informed by a Member of this Houſe, That *John Hebourn*, who had formerly petitioned this Houſe, and whoſe Petition was referred to the Committee for Doctor *Leighton*'s Petition, had ſince enlarged his Petition, and it was deſired that it might be referred to the ſame Committee that formerly it was; and it was ordered accordingly.

John Hebourn his Petition to be amended and referred.

The Election of the Town of *Tewksbury* was likewiſe reported from the Committee for Privileges; but by reaſon of ſome difficulties that were not as yet ſufficiently cleared to the Houſe, it was by reſolution upon the queſtion, recommitted to the Committee for Privileges.

Tewksbury Election.

Ordered,

An. 1640.

Addition to the Committee for the King's Army.

Ordered, That
Sir *Hugh Cholmeley*,
Sir *John Strangewayes*,
Sir *Philip Stapleton*,
are added to the Committee for the *Northern* Army.

And Mr. *Harriſon* to chuſe 50 Members who have offered themſelves to be Security.

Mr. *Harriſon* and Fifty of thoſe Gentlemen whoſe Names were now read, that voluntarily offered their Securities for 1000 *l.* apiece, till the Act of Parliament for the grant of 100000 *l.* be paſt, ſhould be added to the Committee that is to conſider of the ſtate of the King's Army, and the preparing of thoſe Bonds, that are to be entred into by thoſe Gentlemen, is referred to the ſame Committee, and they are to meet this Afternoon at Two of the Clock in the *Exchequer-Chamber*.

King's Army.

That on *Saturday* morning at Nine of the Clock the Houſe take into conſideration the State of the King's Army.

New Canons.

The Houſe began the Debate concerning the new *Canons*, and the grant of the *Benevolence*; but the day being far ſpent, and the Debate likely to continue long, it was ordered that it ſhould be deferred till *Monday* morning nine of the Clock; and the Committee formerly appointed for that purpoſe, are required to procure for the Service of this Houſe the *Licenſes precedent*, and *ſubſequent*, and *ſuch other Commiſſions* and Warrants as they ſhall think neceſſary for the clear debating of this buſineſs.

Communion-day.

Sunday next is appointed for the Members of this Houſe to receive the Communion at St. *Margaret's Weſtminſter* in the ſame manner as was ordered by the Committee formerly appointed for that purpoſe.

Novemb. 27. Drayning of Fens.

Friday, *Novemb.* 27. Sir *Nicholas Slanning*, a Member of this Houſe, delivered in a Petition concerning the Drayning of the Right Honourable the Earl of *Lindſey* his Fens; but becauſe the Houſe was then very thin, he was required to move the Houſe in it when it was full.

Naturalization of *James Bove*.

An Act for the Naturalizing of *James Bove*, read the firſt time.

Act for the Tenants of *Cletherow*.

An Act concerning His Majeſty's Tenants of divers his Manors of *Cletherow*, That this Bill be read on *Tueſday* morning next.

Report by Mr *Glyn* againſt Alderman *Abel*.

Mr. *Glyn* Reports from the Grand Committee for Grievances, That *Quarterman*, and two others on the behalf of ſeveral other *Vintners*, did exhibit a Petition to this Houſe againſt Alderman *Abel*, who having notice thereof, called a Hall, and ſummoned *Quarterman*, &c. who appeared; then the Alderman told them, *It was a ſawcy part in them to prefer a Petition to the Parliament-Houſe, without acquainting the Company firſt.* And thereupon cauſed an Oath to be read unto them, whereby they were enjoined not to complain elſewhere, till they had firſt complained in their own Hall. *Rowland Wilſon* did ſay the ſame, though not ſo fully. They did likewiſe accuſe one *William Conrades*, that he did not only chide them, but told *James Maſters* he *was a ſawcy Knave for his pains.* The Opinion of the Committee is, *That it is a very ill Example, and deſerveth a high puniſhment; and leaveth it to the Houſe what they think fit to be done.*

Aldermen *Abel* & al' Delinquents.

Upon this Report it was Ordered, That Alderman *Abel*, *Rowland Wilſon*, and *William Conrades* be ſent for hither forthwith, as Delinquents, by the Serjeant at Arms attending in this Houſe, to anſwer ſuch matters as ſhall be objected againſt them.

Order that the *Vintners* have Copies of *Abel*'s Papers.

It was likewiſe Ordered, That the *Vintners* who proſecute Alderman *Abel*, ſhall have Copies of ſuch Orders and other Papers as they ſhall think fit, which are lock'd up in Alderman *Abel*'s Trunk, which he hath brought hither,

hither, and of which he hath the Key, the better to perfect their Charge againſt him. It is likewiſe Ordered, That *Robert Quarterman*, *James Waſon*, *William Bellamy*, and *Richard Kilvert*, be ſummoned to attend this Houſe as Witneſſes, to give their Teſtimony when the Houſe ſhall require, in the Caſe concerning Alderman *Abel*. 16 *Caroli.*

Report of Mr. *Haywood's* Caſe.

Sir *Arthur Ingram*'s Report from the Committee that was appointed to examine the fact of *John James* committed upon Mr. *Haywood*, *That in his Lodging they found a Trunk and Cabinet, and ſeveral Conveyances and Leaſes unto him, alſo Bonds and Bills of no great value; A Purſe with Gold in it* (5 l.) *alſo Seventeen pounds in a Stockin, ſeveral Letters of no note, ſave one, and ſubſcribed by* Toby Matthew, *which was to Counſel him from committing ſuch outrages as it ſeems he had then done. The Man of the Houſe ſhewed us a Sword and a Dagger of his which ſtuck up in the Chamber, ſaying there was that day he did the fact another Dagger, which it ſeems he took to do that miſchief he did that day; he did it not in any Diſtemper, but of good condition. The party upon whom he committed the fact, was one imployed by the Houſe then in ſervice of the Houſe, coming with a Book in his hand to the Committee, of the Papiſts Names about* Weſtminſter. *Therefore the Committee think fit that a Bill be prepared againſt him in this Houſe, that this fact of his may be made Felony.* After ſome Debate that aroſe from this Report, the Houſe having appointed an important buſineſs for this day, this whole matter with all the Circumſtances were referred to the former Committee, and they were likewiſe to take into conſideration his Lunacy; and there were added to that Committee,

Committee concerning *John James.*

Mr. *Maynard*,	Sir *Benjamin Rudyard*,
Mr. *Hampden*,	Mr. *Strode*,
Mr. *Palmer*,	Mr. *St. Johns*,
Mr. *Bagſhaw*,	Mr. *Whitehead.*

And they are to meet on *Monday* in the Afternoon at two of the Clock in the Court of Wards.

Sir *William Vuedall* is appointed to receive both the Money for the King's Army, and the Money for the *Northern* Counties; and he and whom he ſhall appoint are to go forthwith in hand with the telling of the Money, and to ſeal it up till the Committee has agreed the Conditions of the Bonds.

Sir *William Vuedal* Receiver.

Committe to examine illegal proceedings in the Exchequer.

Mr. *Palmer*,	Mr. *Perd*,
Mr. *St. Johns*,	Sir *Guy Palmes*,
Mr. *Selden*,	Mr. *Whiſtler*,
Mr. *Glyn*,	Mr. *Hampden*,
Sir *Walter Earle*,	Mr. *Corbett*,
Mr. *White*,	Mr. *Maynard*,
Sir *John Culpeper*,	Mr. *Whitlock*,
Mr. *Rolles*,	Mr. *Pym*,
Mr. *Sollicitor*,	Mr. *Grimſton*,
Sir *Francis Seymor*,	Sir *John Evelyn.*

This Committee is to take into conſideration the ſeveral Commiſſions and the ſeveral Judgments and Decrees in the *Exchequer Chamber* concerning either Illegal Taxes, or the Property of the Goods of the Subjects, and the proceedings thereon; And alſo the Judgments, Reſolutions and Proceedings in Parliament upon them; and to preſent the ſtate of them to this Houſe, that they may proceed upon them in ſuch a way as ſhall be fit to preſent them to the Lords; and they are likewiſe to conſider the Pro-

An. 1640. Proceedings in Parliament upon the *Petition of Right*, and the Additions unto it, and they are to conſider thoſe Proceedings that were in the *Exchequer* ſince the Death of King *James*, upon the Statute of *Tonnage* and *Poundage* granted unto him for Life, and the Proceedings upon *Replevins* brought by thoſe that had their Goods detained by colour of that Statute; As alſo the Proceedings in Parliament concerning Doctor *Manwaring*, and have power to ſend for any Papers, Records, Parties, Witneſſes, or any thing that they ſhall think may conduce to this buſineſs; and are to meet to morrow in the Afternoon at Two of the Clock in the *Exchequer* Court.

A Meſſage from the Lords by Juſtice *Littleton*, and Juſtice *Berkly*.

Meſſage from the Lords for a Conference about the Earl of *Strafford*.

That the Lords deſire a Conference by a Committee of 30 *of their Houſe with a proportionable number of this Houſe, concerning the Meſſage that was brought unto them by Mr.* Pym, *touching the Examinaton of their Members in the Accuſation of the Earl of* Strafford, *and deſire a free Conference touching the laſt Point of that Meſſage, That ſome of the Members of this Houſe ſhould be preſent at the Examination; and they deſire it this Morning in the Painted Chamber, if it may ſtand with the Convenitncy of this Houſe.*

Anſwer. Anſwer returned by the ſame Meſſengers, *That this Houſe has taken into Conſideration their Lordſhips Meſſage, and will in convenient time return Anſwer by Meſſengers of their own.*

Committee to peruſe Preſidents for a Conference.

Mr. *St. John*,
Mr. *Selden*,
Mr. *John Culpepper*,
Mr. *Grimſton*,
Mr. *Palmer*,
Mr. *Pym*,
Sir *Simon D'Ewes*.

This Committee, or any Two of them, are appointed to view thoſe Preſidents cited by Mr. *St. Johns*, or any other that may conduce to that buſineſs, and to preſent the ſtate of them to the Houſe to morrow morning, and are to meet this Afternoon at Three of the Clock in the *Treaſury* Chamber.

Novemb 28. *Tho. Brewer*'s Petition, a cloſe Priſoner. *Saturday*, *Novemb.* 28. The humble Petition of *Thomas Brewer* Gent. cloſe Priſoner in the *Kings Bench*, read and referred to the Committee for Doctor *Leighton*'s Petition, and he to have the ſame Favour and Privilege in all Points, as Doctor *Leighton* has: He was an Anabaptiſt.

Dr. *Cozens* Petition. The humble Petition of *John Coſins* Dean of *Peterborough*, read and referred to the Committe for Mr. *Smart*'s Petition, together with other Papers.

Banbury Petition. The humble Petition of the Mayor, Aldermen, Burgeſſes, and other the Inhabitants of the Town and Burrough of *Banbury* in the County of *Oxon*, read, and referred to the Committee for Religion; Complaining of Innovations, *&c.*

Mr. *Vivers* avowed the Petition. Mr. *Vivers* that preſented this Petition was called in, and did acknowledg the hand to the Petition to be his, and that he delivered it by Order and on the behalf of the Town of *Banbury*.

Officers and Merchants in *Ireland* Petition. The humble Petition of His Majeſty's Officers, and others the Merchants belonging to his Highneſs's Realm of *Ireland*, read, and referred to the Committee that was appointed to draw up the Articles againſt the Earl of *Strafford*. This Petition, as it was affirmed by Mr. *Burlemachi*, Poſt-maſter of *England*, to Mr. *Speaker*, was ſent incloſed in a Letter to him

him from *Ireland*; and this Mr. *Speaker*, at the delivery of the Petition, declared to the Houſe. 16 *Caroli.*

Report of Complaints out of *Ireland.*

Mr. *Whiſtler* Reports from the Committee for *Iriſh* Affairs, *That there are many Petitions full of matter of complaints of the Proceedings in* Ireland, *and Suitors there for Juſtice. There are many Petitioners here whoſe Eſtates are ſo exhauſted, that they are ſcarce able to bring Witneſſes from* Ireland *hither. Many great Perſons of Quality and Truſt are in* Ireland, *material Witneſſes to be examined, as the Maſter of the* Rolls, *the Lord Chancellor and others; Theſe can hardly be ſpared to come hither to give their Teſtimony. The Committee deſires the Advice of the Houſe in this Particular, (which the Judgment of the Committee could not determine) to think of ſome way how theſe Parties might have their Teſtimony taken, the Truth known, and Juſtice done.*

Recommitted.

This whole matter thus Reported from the Committee for *Iriſh* Affairs, is recommitted to the ſame Committee again to conſider of it, and to draw thoſe things that are to be inquired of under apt heads, and to preſent them to the Judgment of this Houſe to proceed accordingly.

Reports concerning Recuſants.

Mr. *Glyn* Reports from the Committee that is to make enquiry after Papiſts,

That as for the Proclamation, the Committee have peruſed it, and find ſeveral defects in it, and that the iſſue and effect of it, is not according to His Majeſty's Gracious Intention, and the Expectation of this Houſe.

2. *In the Clauſe wherein the Proclamation commandeth all Popiſh Recuſants within Fifteen days to depart the City,* &c. 'Tis *added,* Without ſpecial Licence had thereunto; *So that if by any means they can obtain any Licenſe from His Majeſty (which the Committee thinks they cannot) or from the Lords of the Council, Biſhop, or Lieutenant, or Deputy-Lieutenant, then they are not within that Clauſe.*

3. *To diſarm all Recuſants; That is limited to Recuſants Convict, and being ſo reſtrained, if any be Armed and not Convicted, a Juſtice of Peace cannot diſarm them.*

4. *They do find many Recuſants have* Letters of Grace *to protect them, their Perſons and Eſtates.*

5. *Where the Command is for Recuſants to depart to their own dwelling Houſes, of late days great Reſort of Recuſants are to* London *and* Weſtminſter, *and places adjacent, ſo that they make their homes thereabouts, and by Law there is no urging of them from their places hereabouts. This is that I am commanded by the Committee to report unto you.*

Proclamation concerning Recuſants.

The particular Exceptions taken by the Committee to the Proclamation, and other Matters concerning Recuſants, is recommitted to the ſame Committee to draw a Bill for that which is neceſſary for a Bill, and to draw a Petition for the reſt, and to offer it to the Conſideration of this Houſe, to be after preſented to the King; and they are to take into conſideration that which was ſaid by a Member of this Houſe, That he heard a Gentleman inform the Judges of the *Kings-Bench*, and the Grand Jury there in open Court, That one of their Neighbouring Pariſhes had above 6000 Recuſants in it.

Committee.

Mr. *Maynard*,	Mr. *Palmer*,
Mr. *St. John*,	Mr. *Glyn*,
Mr. *Hyde*,	Mr. *Sollicitor.*
Mr. *Whiſtler*,	

To prepare Heads for a Conference.

This Committee is to Collect and offer to this Houſe Reaſons for this Houſe to make uſe of and inſiſt upon, in maintenance of that Point of

An. 1640.

the Meſſage of this Houſe to the Lords, which deſires the preſence of ſome of the Members of this Houſe at the Examination of ſuch Witneſſes as ſhall be propoſed by this Houſe in the Accuſation of the Earl of *Strafford*.

Sacrament.

Ordered, That if any one be choſen a Member of this Houſe, and his Writ not yet returned, he may notwithſtanding be admitted to the Sacrament to morrow, delivering in a Ticket of his Name, and the Place for which he ſerves.

The King's Army.

That the Committee appointed to conſider of the State of the King's Army, ſhall meet this Afternoon at Two of the Clock in the Exchequer Chamber, and has power to name ſome convenient number of themſelves to go and Treat with the *Engliſh* Lords Commiſſioners concerning ſuch things as they in their Judgments ſhall think fit, and ſhall make their report to the Houſe on *Monday* morning next.

Novemb. 30. Privilege of a Member.

Monday, *November* 30. *Ordered*, That Mr. *Owen* ſhall give anſwer to a Petition exhibited againſt him by one *William Jenkins*, Merchant, complaining that Mr. *Owen*, a Member of this Houſe, did privilege one *John Poyer* to his prejudice, the ſaid *Poyer* being none of his menial Servants. And it is further Ordered, that the ſaid *Poyer*, notwithſtanding his claim of privilege, be kept ſtill in ſafe Cuſtody till the Houſe ſhall take further order in it.

Mr. *Wilſon*'s Caſe reported, being Sequeſtred for not reading the Book of Sports, *&c.*

Mr. *Rowſe* Reports from the Committee for Mr. *Wilſon*'s Petition, That Mr. *Wilſon* hath been ſequeſtred Four years from his Living worth 60 *l. per annum*, only for not *reading the Book of Recreations* on the Lord's Day. It appeared to the Committee, that the Archbiſhop himſelf ſuſpended him in *March* 1634. and that he was abſolved in *December* 1638. In the mean time his Tythes were ſequeſtred, and for three years he hath attended the *High Commiſſion*; Complaint made there againſt him *for not reading the Prayer of the laſt Addition* commanded to be read by the Archbiſhop. He anſwered, *He was not to read the Prayer that was Arbitrary, but that which was Enacted.* He was ſummoned to appear again at the Court-day, a Purſevant hath attended him ever ſince.

Reſolve.

Reſolved upon the Queſtion, *That Mr.* Wilſon *had juſt reaſon of Complaint, and that there is juſt cauſe for this Houſe to relieve him.*

Committee for Serjeant *Hide* and Mr. *George*.

Mr. *Hollis*,
Mr. *Strode*,
Sir *Walter Earle*,
Sir *William Maſſam*,
Sir *Edward Aſcough*,
Mr. *Rowſe*,
Sir *Francis Seymor*,
Sir *Hugh Cholmley*,
Sir *William Litton*,
Sir *Oliver Luke*,
Sir *Henry Anderſon*,
Sir *Thomas Roe*,
Sir *John Hotham*,
Sir *Peter Hayman*,
Sir *Miles Fleetwood*,
Sir *Edw. Hungerford*,
Sir *Edw. Deering*,
Sir *John Evelyn*,
Mr. *Selden*,
Sir *Nevil Poole*,
Mr. *Kirton*.

A Committee ordered to take into conſideration the Petition exhibited here againſt Mr. Serjeant *Hyde*, and Mr. *George*, two Members of this Houſe, to examine the ſtate of the whole buſineſs, and to report it to the Houſe; and has power to ſend for Parties, Witneſſes, Papers and Records, or any other thing that may conduce to the buſineſs, and are to meet this Afternoon at Two of the Clock in the Exchequer-Court.

Wedneſday

16 *Caroli.*

Wedneſday morning is appointed to hear and conſider of the State of all thoſe Delinquents that are now in the Serjeant's Cuſtody.

Delinquents.

That a Committee of Sixty be appointed to meet with the Committee of Thirty of the Lords concerning a Meſſage ſent hither on *Friday* laſt from their Lordſhips, touching a Meſſage ſent formerly from this Houſe to them by Mr. *Pym*, for the Examination of their Members in the Accuſation of the Earl of *Strafford*, and touching a free Conference concerning the laſt Point of that Meſſage, *That ſome of the Members of this Houſe ſhould be preſent at the Examination of Witneſſes to be propounded by this Houſe to be examined in the Accuſation of the Earl of* Strafford.

A Conference about examining of Witneſſes in the Caſe of the Earl of *Strafford.*

The Petition of ſeveral of the *Knights, Citizens, and Burgeſſes of the Commons Houſe of Parliament in* Ireland, directed to the Honourable Houſe of Commons in *England.* As alſo a Petition to the King, from the Houſe of Commons in *Ireland*, both read.

Petition from ſome Members of the Parliament in *Ireland* read.

The *Two Gentlemen*, Mr. *Jo. Bellew*, and Mr. *Ol. Caſtle, who brought over* thoſe Petitions, were called in, and demanded by Mr. *Speaker* ſeveral Queſtions.

Mr. *Bellew* and Mr. *Caſtle* avow the Petition.

Mr. *Pryn* being brought up by a former Order, was called in, and the Petition which was exhibited here in his behalf by one *Brown* his Servant, he deſired he might have a Copy of, and liberty either to inlarge the ſame, or to bring a new one on *Wedneſday* morning; which was granted.

Mr. *Pryn*'s Petition.

Mr. *Burton* was likewiſe called in, and had like time granted him till *Wedneſday* morning, either to alter a Petition formerly exhibited to this Houſe, or to bring in a new one ſubſcribed by his own hand.

Mr. *Burton*'s Petition.

Ordered, That Sir *William Uvedall*, by Order of this Houſe, ſhall receive the Sum of Fifty thouſand pounds; that is to ſay, Twenty five thouſand pounds from the City of *London*, and Twenty five thouſand pounds from Mr. *Harriſon*, and ſhall give his Acquittance to them reſpectively for thoſe ſeveral Sums; and having received the Money, ſhall convey it to *Rippon*, and there diſpoſe of it according to ſuch Order and Direction as this Houſe ſhall ſet down.

Sir *William Uvedall* to receive 50000 *l.*

And it is further Ordered, That for the Moneys allotted to the King's Army, he ſhall take ſuch reaſonable Fees as are allowed him by his Patent; and for the Moneys allotted to the Relief of the *Northern* Counties, he ſhall preſent a Bill for his Charges, or conveighing of it, and have ſuch allowance as this Houſe ſhall think fit; and for his diſcharge of the payment of thoſe Moneys, he ſhall take the Acquittances of the *Engliſh* Commiſſioners there, Sir *William Bellaſis*, Sir *John Conyers*, Sir *William Lambton*, and Mr. *Gerrard Salvin*, or any two of them.

Sir *William Bellaſis*, Sir *William Lambton*, &c. to give Acquittances for the *Northern* moneys.

Reſolved upon the Queſtion, That the Lord General be deſired by a Meſſage from this Houſe, to remove all Commanders, and other Officers in the Army in the *North* which are Papiſts, or juſtly ſuſpected to be Popiſh, and to put Proteſtant Commanders and Officers in their places.

Reſolved upon the Queſtion, That ſome Honourable Perſon, a Member of this Houſe, be deſired to move His Majeſty, *That all Commanders and other Officers in any Town or Gariſon, that are Papiſts, or juſtly ſuſpected to be Popiſh, may be removed; and that Proteſtant Commanders and Officers may be put in their places.*

Commanders that are *Papiſts* in Gariſons.

An. 1640.

Reformadoes in the Army an unneceſſary Charge. To be paid to *December* the 8*th.*

Reſolved upon the Queſtion, That the Earl of *Crauford*'s Troop, and thoſe other Officers in the Army that go under the name of Reformadoes, are an unneceſſary Charge, and fit to be ſpared, and that my Lord General be moved by Meſſage from this Houſe therein.

Reſolved, That thoſe Companies, or other Officers that ſhall be thus Caſhiered by the Lord General, ſhall be paid to the Eighth of *December* next.

December 1. 1640.

Decemb. 1. Privilege of a Member.

Mr. *Owen* being yeſterday to anſwer a Petition exhibited againſt him by Mr. *Jenkins*, Merchant, Complaining that he protected one *Poyer*, who was none of his Menial Servants, nor within his Privilege; Mr. *Owen* openly avowed that he was his Servant, neceſſarily imployed in his Service; yet notwithſtanding as touching this Matter, he would waive his Priviledge.

Act againſt Abuſes in Eccleſiaſtical Courts. Act for *Durham* to have Members.

A Bill for Reformation of Abuſes in Eccleſiaſtical Courts, read the firſt time.

A Bill, That the County Palatine of *Durham* ſhall have Knights, Citizens and Burgeſſes to ſerve in the Houſe of Commons; read the firſt time.

That no warrant do iſſue forth for a new Writ, to Elect a Knight for *Bedfordſhire* in the ſtead of the Lord *Wentworth*, Son to the Earl of *Cleveland*, called by Writ to the Lords Houſe, till Mr. *Burgoins* Election be determined.

That a Committee be appointed to take into Conſideration the queſtion of Election between Mr. *Burlacy*, and Mr. *Hobby*, with the Circumſtances, and are to meet on *Thurſday* at Two of the Clock in the Afternoon in the *Exchequer-Chamber*.

Mr. *Glyn*'s Report concerning Secretary *Windebank*.

Mr. *Glyn* Reports from the Committee for enquiring apiſts:

I Am firſt to report upon the Examination of the Keep o Priſons only, Newgate *and the* Clinck; *and of two Meſſeng y imployed for the apprehending and attaching of Popiſh Jeſuits. 1 64 Prieſts and Jeſuits diſcharged in one Year, ſome indicted, ſome d of High Treaſon, but all of them Prieſts; ſome diſcharged by P ; net, others by Warrants from the Lords of the Council, but moſt of them by Warrants from one of the Secretaries of State, by name Secretary* Windebank. *They found upon examination of the Clerk of the Peace for* Middleſex, *the Clerk of the Crown in the* King's-Bench, *and one Mr.* Pulford, *That there have been within the compaſs of ſeven or eight Years, 74 Letters of Grace. True, we have not all the Originals of thoſe Letters of Grace, but only have them certified to us out of the Records where they were entered; but ſome of the Originals I have now in my Cuſtody. The nature of theſe Letters of Grace is this, they are directed to Archbiſhops, Biſhops, Judges, and all other the King's Officers, and the effect is to ſtay all Proceedings againſt the Perſons therein named. The Committee do find upon Examination of Two Meſſengers,* Francis Newton, *and* Gray, *that a Warrant was granted under Mr. Secretary* Windebank's *hand, to protect one* Muskett *a condemned Prieſt, and all ſuch Houſes as he ſhould frequent.*

This is proved by Gray *and* Newton, *who ſaw ſuch a Warrant in* Muſkett's *hand. This obſervation is made of theſe many Warrants and Diſcharges of Prieſts and Jeſuits, That very few appear to be under the King's own hand, and of them not any one but at the requeſt of Foraign Ambaſſadors, and the Queen-Mother, and commanding ſtrictly that the Meſſenger ſhall ſee them go out of the Kingdom; ſuch is his Majeſty's Care; and here I ſpeak it to clear*

16 Caroli.

clear His Majeſty. Only there is one Moſſe *diſcharged under the King's hand by miſ-information; for the King was informed he was only indicted; whereas indeed he was convicted. Other Warrants there are under the hands of the Lords of the Council, and to each Warrant, except one, an Archbiſhop's hand. And the Committee finds, that of theſe Warrants to diſcharge Prieſts and Jeſuits; Twenty nine of them are under Mr. Secretary* Windebank's *hand, and the very Originals of moſt of them we have here.*

I am commanded to deſcend to particular Circumſtances. Amongſt theſe Warants, one Carrell, *a ſecular Prieſt, a Priſoner* 30 *Years, is commanded by a verbal Warrant to be ſet at liberty by Mr. Secretary* Windebank: *this was to the Keeper of the* Clinck. *There was one a Dominican Fryer, and by verbal Warrant to the Keeper of the* Clinck, *Mr. Secretary* Windebank *commanded him to ſet him at liberty, and he would warrant him. And he ſaid to* Gray, *if he medled with him, he would lay him by the heels: And this Fryer by a verbal Warrant was diſcharged, and did tell the Keeper he was imployed about matters of State, and that Secretary* Windebank *did know of it. One* Edward Moore *a Prieſt, committed by the King's own hand, was diſcharged by Mr. Secretary* Windebank's *Warrant, without mention of the King's Pleaſure.*

There was one Thomas Holme *diſcharged by the King's own Command, Commanded to be Shipped, and this Fellow returning again into the Kingdom, and taken the ſecond time, was diſcharged by Mr. Secretary* Windebank.

There was one Moſſe *condemned for a Jeſuit, and for ſeducing the King's People from the Religion now profeſſed; and another called* Jo. Southworth, *likewiſe a Prieſt, who were both diſcharged by Mr. Secretary* Windebank. 15 Martii, 1639, *The Pariſhioners of St.* Giles *did humbly petition the Lords of the Councel, (I have the Petition my ſelf) and ſetting forth the increaſe of Papiſts in their Pariſh, they did inſtance in particular of three Prieſts, (whereof* Southworth *and* Moſſe *were two) that went about to ſeduce the people of that Pariſh, and had ſeduced* 21 *by name, and therefore did humbly pray the Lords of the Councel to ſuppreſs theſe Prieſts. Their Lordſhips gave Order to proſecute them.* Newton *got both theſe Prieſts convicted of High Treaſon, and both of them were diſcharged by Secretary* Windebank. *Beſides, there were* 14 *Prieſts and Jeſuits diſcharged out of* Newton's *and* Gray's *Cuſtody, by Mr. Secretary* Windebank, *who teſtifie that one* Smith *a Prieſt, called Gunpowder* Smith, *was bailed by Secretary* Windebank, *and had a Note under his hand, that no man ſhould attack or trouble him. And the Committee commanded me to inform the Houſe, That theſe are thus diſcharged without any expreſſion of the King's Direction in any of the Warrants.*

One Threſhold *a Meſſenger having Warrant to apprehend a Prieſt, repaired to Mr. Secretary, to the end* Gray *might be imployed. The Secretary anſwered he would lay him by the heels, if he kept* Gray *Company. Theſe men were diſcountenanced by the Secretary; one* Goodman *a Prieſt committed to* Newgate, *and being upon his Warrant diſcharged,* Threſhold *the Meſſenger demanded his Fees, and there being ſome difference about it, Mr.* Read *his Secretary writes to the Prieſt.*

Gentlemen,

MR. Threſhold *hath ſpoken with Mr. Secretary, and his Honour thinketh fit you pay the Fees you agree on, for it will be a means to keep you the more free hereafter from Trouble. So reſting*

Your Loving Friend to ſerve you,

Robert Read.

Birkett

An. 1640.

Birkett *a Meſſenger, had in Cuſtody one* Popham *a Prieſt, and was to bring him before the Lords; but Mr. Secretary* Windebanke *commanded the Meſſenger to let him go, and he would ſee him forth-coming; but to this day he never heard more of the Prieſt, though he Petitioned;* &c.

There is another Paſſage I am Commanded to deliver unto You, that is, a Petition referred to his Majeſty by one George Perrot, *a man condemned of High Treaſon, in his own name, and in the behalf of four Prieſts and Jeſuits more, ſtyling themſelves his Majeſties moſt Loyal Subjects. Upon this bold Petition, by ſignification under Mr. Secretary* Windebank's *hand, proceedings againſt them were ſtayed.*

There were 64 *Letters of Grace to ſtay proſecution againſt Papiſts, directed to ſeveral Counties, to ſeveral Judges; ſhort entries of theſe Letters are made in the Signet Office, teſtified by one Mr.* Pulford, Gray *and* Smith, *who affirm that the Secretaries Houſe is the place of reſort for Prieſts and Jeſuits. That in* 13 *Years time from* 3 Caroli, *there hath been but* 4080 l. *levied on Recuſants* South *of* Trent, *by vertue of Proceſs out of the* Exchequer, *as appears by Certificate under Mr* Long's *hand. For the diſcharges of Prieſts and Jeſuits, not one of them ſtandeth with the Rule of Law. When they are Indicted and Convicted, the King, the Fountain of Juſtice and Mercy, (and the Law doth allow it,) hath power to ſhew Mercy upon any of his Subjects; But in ſuch Caſes the King's Prerogative ſpeaketh by his Privy Seal, Signet, or Great Seal, and ought to diſcharge by Record; but to ſend ſignification of Pleaſure, is againſt Law. For a Miniſter either verbally, or by Warrant under his own hand, not only to diſcharge men condemned, but to command no further proſecution, is againſt Law, and the Committee doth conceive he doth not diſcharge his Duty. Then for the Letters of Grace, the Poor is wronged; for by the Act, they are to give* 12 d. *a Sunday to the Poor; by theſe Injunctions the Recuſants are kept from being convict, and the Poor loſe their due. This is the ſubſtance of the Report I am commanded to make you.*

Secretary *Windebank*'s Letter read.

Then a Letter was read from Secretary *Wind* . . gh Sheriff of *Suſſex*; and

A Letter of Grace.

A *Letter of Grace* obtained from his Majeſty i . . n of the Queen-Mother, directed to the King's Attorney-G . . Succeſſors, for exempting Sir *Henry Beddingfield* and his . . in the danger of the Laws made againſt Recuſants, was likewiſe read.

Recuſants.

The ſaid Petition of *George Perrot* Gent. a Roman Catholique, *To the King's moſt Excellent Majeſty*, on his own behalf, and on the behalf of four other *Roman Catholiques*, read.

A Warrant under the King's own hand for the Commitment of *Edward Moore*, Romiſh Prieſt, to the Priſon of the *Clinck*, and a Warrant to the Keeper of the ſaid Priſon for his diſcharge under Mr. Secretary *Windebank*'s hand, read.

Recuſants.

The humble Petition of the Pariſhioners of St. *Giles in the Fields*, concerning the great increaſe of *Recuſants* within their Pariſh, and of many that have been ſeduced to the Roman Religion within theſe few Years, read, and referred to the Committee to inquire after Papiſts, *&c.*

Meſſage for a Conference concerning a free Conference.

A Meſſage from the Lords by Baron *Trevor* and Judge *Bartley*.

THE Lords have ſent us to this Houſe, to deſire a preſent Conference in the Painted Chamber, with the ſame Committee that was concerned in the matter of the free Conference yeſterday.

Anſwer

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Anſwer returned by the ſame Meſſengers, *This Houſe hath taken into Conſideration the Meſſage of the Lords, and they return this Anſwer, That they will give a meeting preſently, as is deſired.*

Anſwer to the Meſſage.

There were *four Petitions* delivered in by a Member of this Houſe, which were likewiſe *preferred the laſt Parliament*, and it was deſired they might now be referred to the ſame Committee they were then; and it was done accordingly.

Four Petitions laſt Parliament referred.

Robert Horwood was called in, and produced a Letter ſent unto him under Secretary *Windebank*'s hand, which was read, enjoyning him to *ſurceaſe any further proſecution* of the Law *againſt Recuſants*; he was demanded the ſame queſtions he was formerly, and he gave the ſame anſwers unto them.

Robert Horwood called in.

Ordered, That Mr. Secretary *Windebank* ſhall to morrow morning give anſwer to ſuch Queſtions as ſhall be propounded unto him upon ſeveral Informations delivered in here againſt him; and he is to have notice of it in the mean time.

Secretary *Windebank.*

The whole buſineſs concerning *Robert Horwood*, and the charge againſt Secretary *Windebank*, and the preparing of an Act againſt Recuſants, is referred to the Committee that was appointed for inquiring after Recuſants.

Recuſants.

The preparing of an humble Remonſtrance to his Majeſty, and the conſideration of the Pope's pretended *Nuntio*, are referred to the Committee of 24; formerly named, to draw up a Repreſentation of the Eſtate of the Kingdom.

Popes Nuntio.

Addition to the Committee for Recuſants.

Mr. *Selden*,	Mr. *Rigby*,
Mr. *Lane*,	Mr. *Palmer*,
Mr. *Whitlock*,	Mr. *Prideaux*,
Mr. *Peard*,	Mr. *White*,
Sir *Thomas Widdrington*,	Mr. *Pelham*,
Sir *Robert Harley*,	Mr. *Bagſhaw*,
Mr. *Lyttleton*,	Mr. *St. Johns.*

Theſe are added to the Committee for Recuſants.

Mr. *Pym* Reports from the Conference this day, That the Lords Committees with whom we had a free Conference Yeſterday, took the matter into conſideration, and their Reſolution is expreſſed in an Order, *viz. That ſuch Members of the Houſe of Commons as the Commons ſhall make choice of, ſhall be preſent from time to time at the preparatory Examinations concerning the Earl of* Strafford.

The Lord Keeper expected we ſhould ſay ſomething. We told them we had no warrant, for a Conference was deſired concerning the matter of free Conference, and that a free Conference was not deſired. The Queſtion they would have been ſatisfied in, was, Whether we did intend to have the Examinations taken publickly in the Houſe, or by a private Committee? *I anſwered, We had no Commiſſion for a free Conference.*

The ſame *Committee* that was appointed to draw up the Charge againſt the Earl of *Strafford*, are to be preſent at the preparatory Examinations of Witneſſes before the Lords, to preſent ſuch queſtions unto the Lords, as they ſhall think fit thereupon, and after a full examination, to preſent the whole ſtate of the buſineſs to this Houſe.

Preparatory Examinations.

A Meſſage

An. 1640.

Meſſage from the Commons to preſent VVitneſſes.

A Meſſage to be ſent to the Lords, to acquaint them, That this Houſe is ready by ſome Members of this Houſe to preſent divers Witneſſes to be examined, and ſuch Queſtions as they ſhall deſire them to be examined upon; and to deſire that thoſe Witneſſes ſo propounded by them, may be all examined one after another with ſpeed and ſecrecy.

To ſummon VVitneſſes.

Power is given to the Committee that is to be preſent at the preparatory Examinations of Witneſſes before the Lords, to ſummon ſuch Witneſſes to be examined to morrow, as they ſhall think fit.

Report of the Conference for the Lords Members to be examined.

Mr. *Maynard* Reports from the Conference yeſterday; *That the Lords ſaid they had taken the Meſſage into Conſideration ſent by Mr.* Pym, *ſome things were reſolved, others not; and for that purpoſe deſired a free Conference. Whereas we did deſire to examine ſome Members of this Houſe, they were ready to examine them when we ſhould require. And they anſwered, That the Peers of their Houſe that ſhall be deſired, ſhall be examined, and all the Aſſiſtants of that Houſe, when they ſhall be thereunto required, ſhall be examined upon Oath; and next, for the time and ſecrecy, they ſaid they ſhould be ſpeedily examined, and the Examinations ſecretly kept.*

Mr. *Chambers* Petition.

A Copy of the humble Petition of *Richard Chambers, London,* Merchant, delivered formerly into this Court in former Parliaments, and now read, Complaining of his Sentence in the Star-Chamber, 4 & 5 *Car.* and of the Barons in the Exchequer, denying him the benefit of a *Replevin* for his Goods ſeized at the Cuſtom-Houſe.

Mr. *Vaſſall's* Complaint.

After this Petition was read, Mr. *Vaſſal,* a Member of this Houſe, delivered his Grievances by word of mouth, much of the ſame nature as thoſe complained of in Mr. *Chambers* his Petition, as to the Court of *Exchequer*;

Chambers and *Vaſſall.*

whereupon a Committee was appointed to take into Conſideration Mr. *Chambers*'s Petition, and the Complaint of Mr. *Vaſſall,* and has power to ſend for Parties, Witneſſes, Papers, Records, or any thing elſe that may conduce to this buſineſs, and are to meet on *Friday* at Two of the Clock in the Afternoon in the Exchequer-Chamber.

Proportion of moneys to be paid.

The Houſe being now full, It was Ordered according to the deſire of the City of *London,* and Mr. *Harriſon,* That upon the Collection of the 100000 *l.* to be raiſed by Act of Parliament for the Relief of the Army, and the *Northern* Counties, that the City of *London* ſhall receive the firſt 25000 *l.* with Intereſt out of the ſaid 100000 *l.*

And this Houſe doth further declare, That they do conſent and agree to the payment of the Sum of 25000 *l.* to Sir *William Uvedall* Knight, and do ſo order it.

Popiſh Commanders.

Reſolved, That the *Popiſh Commanders* and *Popiſh Officers* ſhall be continued in pay till the Money come down, and no longer.

Mr. *Halford* of *Leiceſterſhire* queſtion'd for ſcandalous words, and Committed.

Mr. *Richard Halford* who was formerly complained of by a Petition to this Houſe, for ſpeaking Scandalous words againſt Sir *Arthur Haſlerig,* as Knight of the Shire of *Leiceſter*, and upon that Petition ſent for as a Delinquent by the Serjeant at Arms attending on this Houſe, did this day appear in this Houſe, and after he had kneeled a while at the Bar, he was by Mr. *Speaker* bid ſtand up, and Mr. *Speaker* told him of the material Points of the Complaints expreſt in the Petition; he denied little of it: whereupon he was bid to withdraw, and it was by the Houſe Reſolved upon the Queſtion, That the ſaid Mr. *Halford* for this his Offence be forthwith ſent to the *Tower,* and there to remain during the Pleaſure of this Houſe; and that he make an humble Submiſſion, ſuch as this Houſe ſhall appoint, upon his Knees at the Bar here, and the like in the County of *Leiceſter* at the next *General Aſſizes* there. Mr. *Halford* was called in, and kneeling at the Bar, Mr. *Speaker* pronounced Sentence againſt him.

Mr.

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Mr. *Warner* Sheriff of *Warwickſhire*, Sentenced for denying the Poll.

Mr. *George Warner*, Sheriff of the County of *Warwick*, who was formerly complained of in this Houſe by a Petition exhibited from the Freeholders of the ſaid County, ſubſcribed by divers of them, upon which he was ſent for as a Delinquent by the Serjeant at Arms attending on this Houſe, did this day appear here at the Bar; who after he had kneeled a while, Mr. *Speaker* bid him ſtand up, and opened the miſdemeanors he had committed, in *refuſing to go on with the Poll when it was deſired*, at the Election of the Knights of the Shire for the ſaid County; to which when he had anſwered, he was bid to withdraw, and it was by the Houſe Reſolved upon the Queſtion, That Mr. *Warner* for this his Offence, be forthwith Committed Priſoner to the *Tower* during the Pleaſure of this Houſe, and be Fined 100 *l.* to the King, and make a Submiſſion here, ſuch as this Houſe ſhall appoint; and ſhall make the like at the next *General Aſſizes* in the County of *Warwick*. Mr. *Warner* was called in, and kneeling at the Bar, Mr. *Speaker* pronounced this Sentence againſt him accordingly.

Sentence on Mr. *Warner*.

Mr. *Speaker* informed the Houſe, That at the Election of the Burgeſſes for *Gloceſter*, he himſelf was nominated for one, and the *Poll demanded*, but it *was denied*. It was thereupon Ordered, That it ſhould be referred to the Committee for Privileges to be firſt conſidered of, when the Witneſſes are come up.

The Poll demanded in *Gloceſterſhire* refuſed.

Upon the queſton for making void the Election of the Knights for the County of *Warwick*, whether there ſhould be two queſtions made of it or one? It was Reſolved there ſhould be Two; whereupon it was Reſolved upon the queſtion,

Debate about a Queſtion.

That the Election of Mr. *Coomes*, one of the Knights of the Shire for *Warwick*, is void.

Void Election.

That the Election of the Lord *Compton* for one of the Knights of the Shire for the County of *Warwick*, is void.

Void Election.

Ordered, A Warrant to iſſue forth under Mr. *Speaker*'s hand to the Clerk of the Crown for a new Writ for Electing of Two Knights of the Shire to ſerve in this preſent Parliament for the County of *Warwick*.

A new Election.

The Serjeant at Arms is to preſent to this Houſe to morrow morning, a note of the Names of all ſuch Priſoners as he hath in his Cuſtody.

The Serjeant at Arms preſents the Names of his Priſoners.

Ordered, That the Petition of the *Gold-Wyer-Drawers*, which now remains with the Committee for Grievances, be referred to the Committee for Trade.

Gold-Wyer-drawers.

Mr. *Treaſurer* reports, That he had delivered what the Houſe Commanded him concerning the Gariſons, to the King; who anſwered, That he knows not of any Popiſh Commander in any Gariſon, whether *Barwick* or *Carliſle*, or in any other Forts. But he hath given Command to ſend to the Governors of both Gariſons, and to return him the Names of all ſuch Papiſt Commanders or Officers, if any be. And for my Lord Admiral, he returns this Anſwer, That as ſoon as poſſible he can, he will return an anſwer in Writing.

King's Anſwer as to Papiſt Commanders.

That an Order be ſent from this Houſe to all the Juſtices of the Peace of *Weſtminſter*, *London* and *Middleſex*, requiring and enjoyning them to Command the Church-Wardens and other Officers of the ſeveral Precincts, to preſent unto them the ſaid Juſtices, the Names of the ſeveral Recuſants within their Pariſhes, that they may be proceeded againſt, according to Law, at the next Seſſions, notwithſtanding any Inhibition, or Reſtraint.

Recuſants Names to be returned.

The Serjeant at Arms has leave given him by this Houſe, *to take Bayl of theſe ſeveral Delinquents*, (viz.) *Richard Kilvert*, *Peter Wood*, Doctor *Coſins*,

A Liſt for Bail of Priſoners.

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Coſins,, Doctor *Layfield*, Alderman *Abel*, Mr. *Wilſon*, Mr. *Conrades*, Mr. *Horth*, Sir *Henry Spiller*, and *John Moore*, after he has firſt preſented the Names of their ſeveral Bayls to the Houſe, and the Sums they are to be bound in, and that the Houſe has allowed of them.

Meſſage.

A Meſſage was brought from the Lords by my Lord Chief Juſtice *Littleton*, and Judge *Berkley*,

Witneſſes to be examined.

THat according to a deſire of this Houſe by a late Meſſage, they have deputed certain of their Members to take the Examination of Witneſſes in the Cauſe of the Earl of Strafford, *which they will be ready to perform in the preſence of ſuch Members of this Houſe as ſhall be deputed for that purpoſe.*

Secretary *Windebank* ſent for.

An intimation was given to Mr. Secretary *Windebank*, That he ſhould come hither preſently, if it might ſtand with His Majeſty's Occaſions.

Anſwer was brought, *That upon His Majeſty's Occaſions he ſat up all laſt Night, and was newly gone to Bed; Yet if the Houſe would Command him, he would preſently come:* But there was order given, That the like intimation might be given him to be here to morrow morning by Eight of the Clock.

To the Honourable the Knights, Citizens, and Burgeſſes of the Commons Houſe of Parliament.

The Humble Petition of *William Prynne* late Exile, and cloſe Priſoner in the Iſle of *Jerſey*,

In all Hubmleneſs ſheweth,

Mr. *Pryn's* Petition.

'THat your Petitioner, though not conſcious to himſelf of any vo-'luntary or apparent offence againſt the Laws of the Realm (to 'which he ever ſtudied to conform himſelf) through the malicious pra-'ctices and proſecution of ſome Prelates and Church-men, (eſpecially 'the now Archbiſhop of *Canterbury*, and *Peter Heylin* Doctor in Divinity) 'whoſe Errors and Innovations, contrary to the eſtabliſhed Doctrine and 'Diſcipline of the Church of *England*, and Extravagancies in the High 'Commiſſion, and other Eccleſiaſtical Courts, your Petitioner for his 'own relief, (being there unjuſtly perſecuted) had to his weak power 'oppugned; hath within Eight years laſt paſt, undergone two heavy 'Cenſures in the Star-Chamber Court.

'The firſt upon an Information there exhibited againſt your Petitioner, 'by Mr. *Noy*, deceaſed, then Attorney-General, for ſome miſconſtrued 'paſſages, (inoffenſive in themſelves, and in your Petitioners true in-'tention, being for the moſt part the words of other approved Authors) 'compriſed in a Book, ſtyled *Hiſtriomaſtix*, written by the Petitioner, 'againſt common Interludes, and Licenſed for the Preſs by Mr. *Thomas* '*Buckner*, Houſhold Chaplain to the then Archbiſhop of *Canterbury*, Au-'thorized by the State to Licenſe Books, and by him exactly peruſed, 'and approved both in the Written and Printed Copy, before its publica-'tion, and ſo confeſſed in the Information; for which Authorized Book 'and Paſſages, your Petitioner, before the hearing of the Cauſe, was not 'only Impriſoned in the *Tower* of *London* without Bail or Mainprize, for 'a whole Years ſpace, denied acceſs to his Counſel, convenient time to

'examine

16 *Caroli.*

'examine Witneſſes, and make breviates to Inſtruct his Councel (the 'Information being General, and reciting no particular Clauſes of the 'Book exeepted againſt) his exhibits, (the only means of his defence) 'Illegally ſuppreſſed: ſome of his Councel tampered with to make no 'Juſtification, contrary to your Petitioner's Inſtructions, and deſire, 'whereby his Cauſe miſcarried; but alſo at the hearing, by reaſon of 'thoſe malicious and perverſe gloſſes on the ſaid Paſſages; which the 'ſaid *Heylin* had collected and preſented to his Majeſties Learned Coun-'cel, (who repeated his Inſtructions only) your Petitioner was fined '5000 pounds to his Majeſty, Expelled the Univerſity of *Oxford*, and '*Lincolns-Inn*, Degraded, put from his Profeſſion of the Law, wherein 'he never offended; ſet in the Pillory in the Palace-yard at *Weſtminſter*, 'where he loſt one of his Ears, and three days after on the Pillory in '*Cheapſide*, where he loſt the other Ear, and had his ſaid Licenſed Books 'there publickly burnt before his face by the Hang-man, in a moſt diſ-'graceful manner; and was adjudged after all this, to remain a priſoner 'during his Life.

'That after the ſaid Cenſure, to defame and injure your Petitioner the 'more, he was charged wrongfully in the Decree, as cenſured for Per-'jury, tho not taxed for it by the Court, and between his ſufferings in 'the Pillory, the Books of his Study, (twice ſurveyed, and reſtored to 'him by order from the Lords) before any Fine eſtreated, by a War-'rant out of the High Commiſſion, Signed by the ſaid Archbiſhop and 'others, were ſeized on by *Croſs* a Meſſenger, who carried them to his 'houſe; with which Warrant your Petitioner not long after charging 'the ſaid Archbiſhop upon occaſion, in the open Court of Star-Cham-'ber; he there publickly diſavowed the ſame (though your Petitio-'ner can yet produce it under his own hand) promiſing withal, that 'the Books ſhould be reſtored forthwith; which notwithſtanding were 'all ſtill detained by his means, till they were extended and ſold for 'your Petitioners Fine: who ſhortly after, by an indirect Order, pro-'cured out of the ſaid Court, ſent to the *Tower* to be executed, was ſhut 'up cloſe Priſoner, and Dr. *Reeves* ſent thither to ſearch his Chamber 'for a Pamphlet, which the ſaid Archbiſhop would wrongfully have 'Fathered upon your Petitioner, whoſe Friends have been unjuſtly pro-'ſecuted in the Exchequer and elſewhere, ſundry years, for his Fine 'aforeſaid.

'And your Petitioner further ſaith, That about *Eaſter* was three years, 'during his Impriſonment in the *Tower*, by means of the ſaid Archbiſhop, 'a new Information was exhibited in the ſaid Court againſt your Petitio-'ner and others, with certain Books thereto annexed; denying the Pre-'lates Juriſdiction over other Miniſters, to be *Jure divino*, charging them 'with many Errors and Innovations in Religion, uſurpations upon his 'Majeſties Prerogative, and the Subjects Liberty, abuſes and extortions in 'the High Commiſſion, and other Eccleſiaſtical Courts, ſuppreſſing 'preaching and painful Miniſters without cauſe, Licenſing Popiſh, Ar-'minian and other Erroneous Books againſt the Sabbath, ſetting up Al-'tars, Images, and Crucifixes; Removing and Rayling in Communion 'Tables, and bowing down to them; and Altering the Book of Com-'mon-Prayer, the Books for the Gunpowder Treaſon, and late Faſt, in 'ſome material paſſages in favour of Popery and Papiſts; which things '(tho very notorious, and oft complained of by this Honourable Houſe, in-'former and late Parliaments) were yet reputed ſcandalous; and tho neither 'of the ſaid Books was particularly charged on your Petitioner in the ſaid 'Information, nor any Witneſs produced to prove him either Author,

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'or Diſperſer of any of them; yet by denying your Petitioner liberty to 'draw up his own Anſwer (though once a Barriſter at Law) when as 'his aſſigned Councel refuſed to do it; by cloſe impriſoning your Peti- 'tioner, and his Servant, by debarring him Pen, Ink and Paper, where- 'by to Anſwer, or inſtruct his Councel; ſearching his Chamber, and ta- 'king away part of his Anſwer there found; denying him Acceſs to his 'Councel, and Conference with his Co-defendants, even at Councel, 'though jointly charged with him; rejecting the Croſs Bill exhibited by 'him for his defence; threatning Mr. *Holt*, one of your Petitioner's aſ- 'ſigned Councel, ſent by the then Lord Keeper to the *Tower*, to draw 'up your Petitioner's Anſwer, and commanding him not to ſign it, after 'it was engroſſed: (whereupon he refuſed to ſubſcribe it, contrary to 'his promiſe to your Petitioner) and by refuſing to accept your Peti- 'tioner's Anſwers to the ſaid Information, ſigned with his own, and 'Mr. *Tomlins*, (another of his Councels) hands, though tendred by your 'Petitioner, both at the *Star-Chamber* Office, and in open Court at 'the hearing, the ſaid Information, for a ſuppoſed default of Anſwer, '(though two Anſwers were thereto tendered by your Petitioner) was 'taken *Pro confeſſo* againſt your Petitioner, and he thereupon was fined 'Five thouſand pounds to His Majeſty, Pillored, Stigmatized on both 'Cheeks, mutilated and diſmembred, in a moſt barbarous manner, and 'the ſmall remainder of his Ears, left after his firſt execution, cut off, to 'the hazard of his Hearing, and Life, and adjudged to perpetual cloſe im- 'priſonment in the Goal of *Carnarvan* Caſtle in *North-Wales*, a naſty 'Dog-hole, far remote from your Petitioner's Friends. Which Sentence 'was unduly drawn and executed upon your Petitioner, (as his Attor- 'neys Clerk informed him) before it was entred into the Book, or your 'Petitioner could get any Copy of it, to except againſt the ſame, as he 'had juſt cauſe.

'That immediately after the execution of the ſame Sentence, your 'Petitioner ſent to the ſaid Archbiſhop to deſire him to releaſe, or bail 'his Servant (who was detained cloſe Priſoner for Ten weeks ſpace in 'the Meſſenger's hand, and oft examined and ſolicited by fair promiſes, 'and threatnings, cauſeleſly to accuſe your Petitioner, againſt whom 'they wanted evidence) that ſo he might attend him during his ſores; 'which the ſaid Archbiſhop out of his Grace and Charity, utterly re- 'fuſed: ſaying, That he intended to proceed againſt his ſaid Servant in 'the High Commiſſion; where he hath ever ſince vexed, cenſured, and 'banded him from Priſon to Priſon, only for refuſing to accuſe and be- 'tray your Petitioner.

'That notwithſtanding the ſaid heavy Sentence, your Petitioner by an 'Order in the ſaid Court, (by way of addition to the ſaid Cenſure) was 'inhibited the uſe of Pen, Ink and Paper, and all Books, except the Bi- 'ble, and the Book of Common-Prayer, and ſome Books for private 'Devotion; and before his Wounds were perfectly cured, he was by Or- 'der removed from the *Tower* to *Carnarvan*; and ſome of his Friends in '*Cheſter*, who viſited him there in his paſſage, in the preſence of his 'Conductors, who had no order to reſtrain any perſon from reſorting to 'him, were for this very cauſe ſent for by a Meſſenger, to appear before 'the Lords of the Privy-Council, and likewiſe cited in the High Com- 'miſſion at *York*, where they were impriſoned, fined, and forced to make 'a publick Recantation in the Cathedral Church, and in the Town-hall 'of *Cheſter*: the ſaid Commiſſioners further decreeing, That Five Pictures 'of your Petitioner's found in *Cheſter*, ſhould be publickly burnt at the 'High Croſs there; which was done accordingly.

'That

16 *Caroli.*

'That your Petitioner ſince his ſaid Sentence hath been publickly reviled at, and libelled againſt, both by the High Commiſſioners at *York*, and in ſundry Churches, both at *Cheſter*, and elſewhere, and in divers Licenſed printed Books, compiled by the ſaid *Heylin*, and publiſhed by the Archbiſhop's privity or command; and that ſundry of his Friends Houſes and Studies have been violently broken up, and ranſacked, their Books and Writings taken away, and themſelves proſecuted in the High Commiſſion, out of malice, for the relation they had to your Petitioner.

'That after your Petitioner had continued ſome Ten weeks ſpace cloſe Priſoner in *Canarvan*, he was about Three years ſince, by a Warrant from the Lords of the Councel, made in the Summer Vacation, (to which the ſaid Archbiſhop's hand was firſt preſcribed) ordered by way of Exile, to be imbarqued and tranſported with all privacy into one of the Caſtles in the Iſle of *Jerſey*, and his Conductors thereby charged, not to admit any perſon whatſoever, but themſelves only, to ſpeak with your Petitioner in his paſſage; whereupon after ſome Injuries there received by Mr. *Griffith*, the King's Attorney in thoſe Parts (who endeavoured to ſeize upon the Furniture of his Chamber for his own uſe) your Petitioner was imbarqued among Papiſts in a bruiſed Ship-wrackt Veſſel, full of Leaks, and after Fourteen weeks Voyage in the Winter-Seaſon, through dangerous Storms and Seas, which ſpoiled moſt of his Stuff, and Bedding, and threatned often Shipwrack to him, he arrived at the ſaid Iſle, and was conveyed cloſe Priſoner into *Mount Orguile* Caſtle there, where the Lieutenant Governour by another extrajudicial Order (to which the ſaid Archbiſhop's name was firſt) was ordered to keep your Petitioner cloſe Priſoner in a Chamber, to ſuffer none but his Keepers to ſpeak with him, to intercept all Letters to him, to permit him neither Pen, Ink nor Paper, either to write to his Friends for neceſſaries, or to petition for relief, and to permit him no Book but the Bible, and thoſe forenamed Books, without giving any order for his Dyet there; ſo that being deprived of his Calling, and Eſtate, exiled and ſhut up cloſe Priſoner among Strangers, remote from all his Friends, and denied all acceſs to him by perſon or Letters) he had certainly periſhed in his almoſt Three years cloſe impriſonment there, had not the extraordinary Providence and goodneſs of God (which he ſhall ever adore) and the noble Charity of thoſe, under whoſe cuſtody he did remain, furniſhed him with ſuch Dyet and Neceſſaries, as preſerved him both in health and life, in this his cloſe Impriſonment and Exile.

'May it therefore pleaſe this Honourable Houſe, to take theſe your Petitioner's almoſt Eight years Tragical Grievances, (of new and dangerous Example) into your moſt ſad and juſt Conſiderations, that ſo they may not become Preſidents to the prejudice of Poſterity; to grant him liberty to ſend for, and examine all neceſſary Witneſſes, to order all Clerks, Regiſters, and other Officers of the *Star-Chamber*, or elſewhere, ſpeedily and freely to grant him the Copies of ſuch Orders, Decrees and Writings, as his Cauſe ſhall require, to releaſe him upon Bail, (being now but a Priſoner only upon an extrajudicial Order of the Lords, and not by vertue of any Sentence or Decree in Court) to grant him liberty to plead and proſecute his own Cauſe, ſince Councel hath ſo often failed him, and to give him ſuch ſatisfaction and relief as the juſtice and equity of his Cauſe ſhall merit. *And your Petitioner ſhall ever pray*, &c.

William Prynn.

The

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The Petition of *Henry Burton*, delivered after his return from Exile.

The Humble Petition of *Henry Burton*, late Exile, and cloſe Priſoner in *Caſtle-Cornet* in the Iſle of *Garnſey*.

In all Humbleneſs ſheweth,

THAT *whereas your Petitioner on the* 5th *of* November 1636. *did preach Two Sermons in his own Pariſh-Church, in St.* Matthew's Friday-Street, *for the which he was in* December *then next following ſummoned to appear before Dr.* Duck, *one of the Commiſſioners for Cauſes Eccleſiaſtical, at* Chiſwick *in the County of* Middleſex, *where (with the Regiſter of the High Commiſſion Court) the ſaid Dr.* Duck *tendred to the Petitioner the Oath* Ex Officio, *to anſwer to certain Articles there preſented: Which Oath the Petitioner refuſing to take, did then and there appeal from the ſaid Court, unto the King's Majeſty; which Appeal the ſaid Regiſter by Dr.* Duck's *direction, did then and there enter in Writing.*

Notwithſtanding which ſaid Appeal, a ſpecial High Commiſſion Court was ſhortly after called at London, *Conſiſting of* 4 *or* 5 *Doctors, where the ſaid Commiſſioners proceeded illegally, to ſuſpend the Petitioner in his abſence; by means whereof, as of the threatnings of the ſaid Commiſſioners, he was enforced to keep his Houſe, until a Serjeant at Arms with divers Purſevants and other Armed Officers, aſſiſted by Alderman* Abel *then Sheriff of* London, *beſet the Petitioner's Houſe at* 11 *of the Clock at Night, and violently broke open his Doors with Iron Crows, and the like, and ſurprized him in his Houſe, he making no reſiſtance at all: where having firſt ſearched his Study, and taken away ſuch Books as they pleaſed, they carried your Petitioner to Priſon, whence the next day (being the Second of* February) *by a pretended Order from the Lords of the Council, he was conveyed to the* Fleet, *and there kept cloſe Priſoner; during which Impriſonment an Information was exhibited againſt your Petitioner, and others, in His Majeſty's Court of* Star-Chamber, *whereby he was charged* (inter alia) *with the publiſhing of a certain Book containing,* An Apology for an Appeal, *with his ſaid Two Sermons, intituled,* God and the King; *wherein he taught Subjects to yield all due obedience to their lawful King, and reproved all lawleſs Innovations in* Religion, &c. *To which Information the Petitioner upon his Oath under the hand of Mr.* Holt, *being then of his Councel, (aſſigned by ſpecial Order from this Court) did put in his Anſwer, wherein he alledged ſuch things only, as his ſaid Councel conceived to be material, and pertinent for his juſt defence in publiſhing his ſaid Book, but denied all other matters in the ſaid Information contained; which Anſwer, being admitted and received in Court, the Petitioner (being then a cloſe Priſoner) not only attended the exhibiting of Interrogatories, according to the Cuſtom of that Court; but withal, after ſome unuſual delay, did write unto the King's Attorney to haſten them; but before the Examiner came, the Petitioner heard that his ſaid Anſwer was referred to Sir* John Bramſton, *Knight, Lord Chief Juſtice of the* King's Bench, *and Sir* John Finch, *then Chief Juſtice of the* Common-Pleas, *and was by them wholly expunged as impertinent and ſcandalous, (ſave only the* Not guilty:) *And the Petitioner underſtanding the Anſwer he was to make to the Interrogatories, was to be reckoned as a part of his Anſwer, admitted in Court, but afterwards expunged as impertinent and ſcandalous (as aforeſaid) ſo as if he ſhould then have anſwered the Interrogatories, he ſhould thereby have aſſented to the ſaid Act of the ſaid Judges, and ſo to the condemnation of his Cauſe before the hearing, whereby he ſhould have contradicted his former Oath, that his ſaid Anſwer was a true Anſwer, and ſo ſhould juſtly have brought*

brought himſelf under the Guilt of Wilful Perjury, and his Cauſe under juſt ſentence. Caroli 16.

Neverthelefs the Court taking the ſame Information (Pro Confeſſo) *and refuſing to admit a Copy of the Petitioner's own true Anſwer, as alſo of his Reaſons of not anſwering the Interrogatories, (both which at his Cenſure he tendred to the Court, deſiring they might be then and there publickly read) the* 14th *of* June, 13 Caroli Regis, *proceeded to Cenſure, whereby your Petitioner was cenſured in a Fine of* 5000 l. *to His Majeſty, to be deprived of his Eccleſiaſtical Benefice, degraded from his Miniſterial Function and Degrees in the Univerſity, and ordered to be ſet on the Pillory, where both his Ears were to be cut off, confined to perpetual cloſe Impriſonment in* Lancaſter *Caſtle, debarred the acceſs of his Wife, or any other, to come to him, but only his Keeper, and denied the uſe of Pen, Ink and Paper. All which (except the Fine) was executed accordingly; and after his cloſe Impriſonment for* 12 *weeks in the common* Goal *in the ſaid Caſtle, he was, (by what Extrajuditial Order he knows not) tranſported by the Conduct of one* Brian Burton *appointed by the High Sheriff of* Lancaſter, (*who uſed your Petitioner very baſely and deceitfully in that his Tranſportation, which was in the Winter-Seaſon through dangerous Seas, to the apparent hazard both of his Health and Life) to the Caſtle of* Guernſey, *where he hath remained a cloſe Priſoner and Exile almoſt Three whole years, his Wife utterly prohibited, upon pain of Impriſonment, to ſet her foot upon any part of the Iſland, where ſhe might but enquire how her Husband did, contrary to the Laws of God, and the Liberties of this Kingdom.*

May it therefore pleaſe this Honourable Houſe, to take your Petitioner's ſad Cauſe into conſideration; and for the better manifeſtation of his Grievance in this Cauſe, to aſſign him for Councel Mr. Serjeant Atkins, *Mr.* Tomlins, *and Mr.* Gurdon, *to aſſiſt him in his Cauſe, and to command that he may take out ſuch Copies* Gratis *out of the ſaid ſeveral Courts, as do or may concern his ſaid Cauſe.*

And your Petitioner, as in duty bound,
ſhall daily pray for your Proſperities.

Henry Burton.

The Humble Petition of *John Baſtwick*, Doctor in Phyſick, lately retained Cloſe Priſoner and Exile, in the Iſle of *Scilly*.

Moſt Humbly ſheweth,

The Petition of Dr. *John Baſtwick*, late cloſe Priſoner in Exile.

THat *your Petitioner having about ſix years ſince ſet out a Book in Latin, called* Elenchus Religionis Papiſticæ, *with an Addition thereunto called* Flagellum Pontificis, & Epiſcoporum Latialium, *being thereunto, provoked by one* Richard Short, *a Papiſt, that maintained the Pope's Supremacy, the Maſs, and Papal Religion; In which Book your Petitioner (for preventing all Miſ-interpretations of his pious and good Intentions therein) in his Epiſtle to the Reader, fully declared himſelf, that your Petitioner meant nothing againſt ſuch Biſhops, as acknowledged their Authority from Kings and Emperors; yet becauſe your Petitioner (the better to ſhew the Papal Uſurpation over other Princes) therein, only maintained by way of Argument (as other Orthodox Writers of that Subject have uſually done) a parity*

An. 1640. *parity of the ſaid Biſhop of* Rome, *and all other Biſhops and Presbyters, by the Word of God, denying his and their Supremacy over other Miniſters, to be by Divine Inſtitution; thereupon a Purſevant by Authority from the High Commiſſion Court, came into your Petitioner's Houſe at* Colcheſter *in* Eſſex, *in his abſence; And the ſaid Purſevant, aſſiſted with the then Bayliffs and Conſtables of* Colcheſter *aforeſaid, ranſacked his ſaid Houſe, together with his Cheſt and Trunks, and with great violence broke open your Petitioner's Study, which was in his Apothecary's Houſe, and took and carried away divers of your Petitioner's Books, Writings, Letters, and what elſe the Purſevant pleaſed, without making reſtitution of them to your Petitioner.*

And then your Petitioner was proſecuted in the High Commiſſion Court, principally for his ſaid Book: where after a long and chargeable Proſecution, he was the 12th *of* February, 1634. *Fined* 1000 l. *to the King, Excommunicated, debarred to practiſe Phyſick, (the chiefeſt means of his Livelihood;) his ſaid Books ordered to be burnt; that he ſhould pay Coſts of Suit, and be impriſoned till he ſhould make a Recantation; the which heavy Cenſure was only for the ſaid Book, wherein your Petitioner maintained the Prerogative of the King againſt the Papacy. Whereas one* Thomas Chowney *of* Suſſex, *lately wrote a Book in maintenance of the Papal Religion, and in Defence of the Church of* Rome, *and avers it to be a true Church; the which Book is dedicated to the Archbiſhop of* Canterbury, *and was, and is Patronized and Defended by the ſaid Archbiſhop, and the ſaid* Chowney *never troubled for it.*

At which Cenſure, declared as aforeſaid, all the Biſhops that were then preſent, denied openly, that they held their Juriſdiction from His Majeſty, and affirmed, that they had it from God only; and the Archbiſhop of Canterbury, *among many other erroneous Sayings, uttered by him, maintained the ſaid* Chowney's *Book, and that the Church of* Rome *was a true Church, and that it erred not in Fundamentals: and he, and other the ſaid Biſhops there, defamed the holy Scriptures, and abuſed Reverend Mr.* Calvin; *in regard whereof, and for the vindicating your Petitioner's Innocency, in the matters for which he was moſt unjuſtly cenſured as aforeſaid, your Petitioner publiſhed in print another Book in Latin, Entituled,* Apologeticus ad Preſules Anglicanos. *Expreſſing the truth of the Proceedings and Speeches at his ſaid Cenſure. For which laſt mentioned Book, and his Book called the* Letany (*not then in print*) *an Information was exhibited againſt him and others in the* Star-Chamber, *to which your Petitioner's Anſwer being drawn and engroſſed, was only ſubſcribed by himſelf, becauſe he could get no Councel to ſet their hands to it; your Petitioner tendred the ſaid Anſwer firſt at the* Star-Chamber *Office, and after in open Court at the* Star-Chamber *Bar, but it would not be accepted for want of Councellor's hands to it, contrary to former Preſidents. But the Court of* Star-Chamber *took the ſaid Information* Pro Confeſſo, *and cenſured your Petitioner* 5000 l. *Fine to the King, to ſtand in the Pillory, and loſe both his Ears, and to be cloſe Priſoner in* Lanceſton *Caſtle in* Cornwall: *all which hath been executed upon him with great extremity to the peril of his Life. After all which Extremity, your Petitioner (by what Order he knoweth not, it being no part of his Cenſure in* Star-Chamber) *was tranſported from the ſaid Caſtle to the Iſland of* Scilly, *a place ſo barren, that it affords not ordinary Neceſſaries; where he hath been in cloſe durance for three years, or more, and not ſuffered to have any of his Friends come at him, his very Wife being prohibited by the Lords of the Council's Order, under pain of impriſonment, to ſet her foot upon any part of the Iſland, to enquire of his Welfare; ſo that your Petitioner hath been Exil'd from his Wife and divers ſmall Children 3 years and more, beſides the great ſtraits and miſeries which he hath ſuſtained during the ſaid time. All which is contrary to the Law of*

God

God and Man, and the Liberties of a free Subject, to the utter undoing of your Petitioner, his Wife and Children. 16 Caroli.

May it therefore please this Honourable Assembly, to take these Pressing Grievances of your Petitioner into your Considerations, and to afford him such relief therein, as in your Grave Wisdoms shall seem consonant to Justice and Equity: And to Assign him for Councel Serjeant Atkins, *Mr.* Ludlow, *Mr.* Tomlins, *Mr.* Gurdon, *and Mr.* Randal, *to assist him in this his Complaint, and to Order that your Petitioner may take out* gratis, *such Copies of the said Censures, Warrants and Orders, and other the Proceedings in the said several Courts, as shall or may any way concern this his sad, yet most just Complaint, with a Warrant from this Honourable House to bring in his Witnesses.*

And your Petitioner, as in duty bound,
shall ever Pray for your Prosperities,
John Bastwick.

There were also presented and read in the House, the Petitions of *Peter Leigh*, of the City of *Chester*, Grocer, and of *Richard Golburn* of the said City, Gent.; complaining, That they had been most severely and unreasonably sentenced in the High-Commission-Court at *York*, only for visiting Mr. *Pryn* in his Passage to *Carnavan*-Castle, going to be made a Prisoner there; and after they had been owned and avowed by the said persons, there was a large Committee appointed to take all the foresaid Petitions into consideration. And they had Power to receive all Petitions of the like nature, and to consider of the Jurisdiction of the High Commission Courts of *Canterbury* and *York*, and of the several abuses committed in those Courts, or by any Judges or Officers of those Courts; and of the Court of Star-Chamber. And they had power to send for Parties, Witnesses, Papers, Records, or any thing else that might conduce to the business, and to assign and hear Councel, and were ordered to meet the next day at Two of the Clock in the Afternoon in the Star-Chamber.

Others who thought themselves grieved by the Court of Star-Chamber, appealed unto the House of Lords, as appears by the following Petition.

To the Right Honourable the Lords Spiritual and Temporal now Assembled in Parliament.

The Humble Petition of *Lambert Osbaldeston*, Clerk;

Humbly sheweth,

The Petition of *Lambert Osbaldeston* to the House of Peers, complaining of the Sentence in the *Star-Chamber* against him.

THat *whereas one* Walker, *and* Cadwallader Powel, *Two Servants of the Lord Bishop of* Lincoln, *subpœned to be made Defendants in a Third Information put into the High Court of Star-Chamber against the said Bishop of* Lincoln, *did to gratifie the Lord Archbishop of* Canterbury, *and procure themselves free from the said Information, Combine and Conspire together to accuse your Petitioner. And thereupon did most unlawfully break up Hampers, and Rifle the Papers of their Lord and Master, then Imprisoned in the* Tower, *for Letters of your Petitioner written to the said Bishop, and intercepted other Letters so directed; And conveying all the said Letters to the hands of* Rich. Kilvert, *did press and force the said* Kilvert *to*

An. 640.

ſhew them to the Arch-Biſhop, and put them into an Information againſt your Petitioner. And the ſaid Walker *did produce ſome Letters or Notes of his own Lord's, notwithſtanding an expreſs Commandment of Secrecy therein contained: Whereby, together with his own Diſputing Teſtimony, he interpreted the ſaid Letters contrary to the Petitioner's true ſenſe and meaning. As he hath ſworn ſeveral times upon his Oath.*

And whereas by this perfidious Combination of Walker *and* Powel, *certain words of* Little Urchin, *and* Hocus Pocus; *as alſo of* great Don *and* Leviathan, *were by them, contrary to the Truth, as this Petitioner hath often ſworn and depoſed, applied to the ſaid Lord Arch-Biſhop of* Canterbury, *and the Lord Treaſurer* Weſton, *a Noble Perſonage, that ever loved and favoured your Petitioner. And the Petitioner hath been heretofore Sentenced and Fined in the Star-Chamber. (The Lord Chief Juſtice* Finch *reading the ſame Sentence in a moſt ſevere and unuſual manner): To be deprived and degraded of all his Spiritual Preferments, being* 500 l. per annum; *To pay a Fine of* 5000 l. *to the King, and* 5000 l. *to his Grace, when all his Means were taken away. And by that other Clauſe of the Sentence, To have his Ear nailed to the Pillory in the Dean's Yard in* Weſtminſter, *before the Scholars of that School, which he had ſo painfully and ſucceſsfully bred up and Taught. And to other ignominious Puniſhments beſide.*

Now foraſmuch as this Sentence, is beyond all Sentences of Death, and could never be prevented either by moſt humble Submiſſion to his Grace before, or by a multitude of Petitions and earneſt Requeſts made by the Petitioner and his Brother to his Grace, ſithence the ſaid heavy Sentence was Pronounced by their unjuſt and undue Proceedings.

By ſuppoſing againſt Law, your Petitioner's Letters to have been Publiſhed by the Biſhop of Lincoln; *whereas there is not one word in all the Books to prove that ever the ſaid Biſhop received them: And the Biſhop denies it upon his Oath to his beſt Remembrance. Nor is any man elſe ever charged to have ſeen them. And* Walker *having ſworn, That the Biſhop did ſo interpret them, dares not ſwear, being Interrogated on the King's behalf, That ever the Biſhop received them.*

Becauſe Damages of 5000 l. *is given to his Grace, being neither Plaintiff nor Relator in the Cauſe, by a kind of Complement and Courteſie of the Lord* Finch; *Though his Grace, nor any other perſon ever ſaw or heard of theſe ignominious Compellations before they were thus produced.*

For theſe great and high Concuſſions in the Proſecution of this Cauſe, The Petitioner humbly imploreth your Lordſhips Juſtice, That this grievous Sentence may be ſuſpended until your Lordſhips ſhall have heard the Cauſe; His Freehold (which neither the one nor the other Court had any cognizance of) may be forthwith Sequeſtred, Your Petitioner licenſed to Proſecute theſe Grievances in Perſon: And the Cauſe directed to ſuch a Courſe and form of Proceeding, as ſhall ſeem moſt Convenient to this Honourable Aſſembly.

And your poor Petitioner ſhall ever Pray, *&c.*

A Committee named to take into conſideration the Petitions of Mr. *Pryn*, Mr. *Burton*, *Nathanael Wickins*, Mr. *Pryn*'s Servant, *Calvin Bruen*, and *Peter Leigh*, and *Golburn* of *Cheſter*.

Committees for Mr. *Faunt*. Military Affairs. E. of *Kildare*.

Ordered, That the particular *Grievance of Leiceſterſhire* concerning *Military* Charges, be referred to the conſideration of that Committee that is appointed for Mr. *Faunt*'s Petition.

Ordered, That the Earl of *Kildare*'s Petition preſented to the Grand Committee for *Iriſh* Affairs, be referred to the Sub-Committee for thoſe Affairs.

Friday

Caroli 16.

Friday Decemb. 4*th*. Ordered, That whoſoever does not take his place when he comes into the Houſe, or removes out of his place to the diſturbance of the Houſe, ſhall pay 12 *d*. to be divided between the Serjeant and the Poor; and whoſoever ſpeaks ſo loud in the Houſe when any Bill or other Matter is Reading, as to diſturb the Houſe, ſhall pay the like forfeiture. And it is further Ordered, That the Buſineſs then in agitation being ended, no new Motion of any new Matter ſhall be made without leave of the Houſe.

Decemb. 4. Orders of the Houſe.

A Bill concerning a certain Salt-Marſh, called, *Moulton Common Marſh* in the County of *Lincoln*; Read the firſt time.

Moulton Marſh

Ordered, That Mr. Secretary *Windebank*, be by order of this Houſe required to come hither preſently; and if he himſelf cannot be met with, then the Meſſenger in the Name of the Houſe is to require Mr. *Robert Read* his Clerk preſently to attend this Houſe; And the Meſſenger is to enquire where Mr. Secretary now is, and when he was laſt at home; and of all, he is forthwith to give an Account to this Houſe.

Secretary *Windebank.*

Ordered, That thoſe Members of this Houſe that be appointed to be preſent at the Preparatory Examinations before the Lords, be required to declare, That by their Duty they owe to this Houſe, they are obliged to keep all thoſe Examinations Secret.

Preparatory Examinations to be kept ſecret.

Thoſe Eight appointed for that Service, did make all of them Proteſtations to that purpoſe.

Proteſtations of Secreſie.

Ordered, That thoſe Eight, or any Four of them, may be preſent at the Preparatory Examinations before the Lords.

A Meſſage from the Lords by the two Lord Chief Juſtices.

Meſſage for a Conference Concerning the Treaty.

The Lords do deſire a preſent Conference in the Painted Chamber, if it may ſtand with the Conveniency of this Houſe, by a Committee of both Houſes touching the great buſineſs between the two Kingdoms.

Anſwer returned by the ſame Meſſengers, *That this Houſe has taken their Lordſhips Meſſage into conſideration, and will give them a preſent meeting as is deſired.*

Ordered, That the Serjeant at Arms ſhall forbear to take Bail of Doctor *Layfeild* till the Houſe ſhall take further order in it: And it is further Ordered, That Doctor *Layfeild* ſhall be heard to Morrow in the Afternoon at the Grand Committee for Religion.

Dr. *Layfield* Delinquent.

Reporters.

Mr. *Sollicitor.*	Mr. *Palmer.*
Mr. *Hollys.*	Mr. *Maynard.*
Sir *Jo. Wray.*	Mr. *Crew.*
Mr. *Selden.*	

Are appointed Reporters of the Conference above-mentioned.

Ceſſation of Arms.

Reſolved upon the Queſtion, That this Houſe does approve of the continuance of a *Ceſſation of Arms* between the two Kingdoms for a Month longer, *viz.* from the Sixteenth of this inſtant Month of *December*, upon the ſame terms it was formerly agreed upon, in caſe the Treaty ſhall hold ſo long.

Properry.

By order, to Morrow Morning is appointed peremptorily for the debate of the Subjects Property, in their Goods.

Mr. *Kirton.*	Sir *Edw. Hungerford.*
Mr. *Aſhburnham.*	Sir *Edw. Bamton*, &c.

An. 1640.

100000 *l.*

And all the Knights for every County, are added to the Committee for preparing the Bill of Grant of 100000 *l.* and they are to meet this Afternoon at Two of the Clock in the Exchequer Chamber.

Malton and *Allerton* reſtored to ſend Burgeſſes.

Saturday, Decemb. 5*th.* A Motion was made for *Malton* and *North-Allerton*, two Towns in *Yorkſhire*, that have anciently *ſent Burgeſſes to Parliament, but for a long while have diſcontinued.* It was deſired it might be referred to the Committee for Privileges, to certifie the ſtate of the Matter upon view, and examination of the Record.

Rule concerning reading of Bills 2*d* time.

Ordered, That no Bills have their *ſecond reading*, but between *Nine* and *Twelve*.

Monopolies.

Ordered, Mr. *John Moore*, and all the Merchants of the Houſe, to be added to the Committee for *Monopolies*.

A new Election for *Bedfordſhire.*

Ordered, A Warrant to Iſſue forth under Mr. *Speaker*'s hand for a new Writ for Electing of a Knight to Serve for the County of *Bedford*, in the place and ſtead of the Lord *Wentworth*, ſummoned by His *Majeſty*'s *Writ* to the Upper Houſe.

Watford Petition read and referred.

The humble Petition of divers Inhabitants in and about the Town of *Watford* in the County of *Hertford*, complaining of the Sheriff for rigorous levying of Ship-Money; read and referred to a Committee, except to thoſe that have acted either as Sheriffs, or as other Officers who have been employed in the *Levying* of *Ship-Money*; and this Committee is to take into conſideration the Petition exhibited by the Inhabitants of the Town of *Watford*, againſt *Thomas Cunningsby*, Eſquire, ſometime High Sheriff of the County of *Hertford*, for the *rigorous Levying* of *Ship-Money*; and has Power to receive all Petitions concerning *Ship-Money*, and to ſend for Parties, Witneſſes, Papers, Records, *&c.* and are to meet on *Wedneſday* in the Afternoon at Two of the Clock in the Exchequer-Chamber.

Diſpoſal of 30000 *l.* for the Army, *&c*

Ordered, That the Thirty thouſand pounds allotted for the Relief of the King's Army, and now ſent down by Sir *William Uvedall*, ſhall be by him diſpoſed of according to my Lord of *Northumberland*'s Warrant, *which ſhall be a ſufficient Diſcharge* for the ſaid Sir *William Uvedall*; and as for the Twenty thouſand pounds allotted for the Relief of the *Northern Counties*, It is referred to the former Committee that is appointed to conſider of the ſtate of the King's Army, to *prepare the forms of Acquittances* to be given to Sir *William Uvedall* by the *Engliſh* Commiſſioners in the *North*, for his Diſcharge for the Payment of theſe Monies.

The Committee for the King's Army are to meet this Afternoon at Two of the Clock in the Exchequer-Chamber.

Sir *Henry Coke.*	Mr. *Hatcher.*
Sir *John Coke.*	Lord *Falkland.*
Mr. *Tho. Coke.*	Sir *Simon d' Ewes.*
Mr. *Hyde.*	Mr. *Maynard.*

To Recover Sir *Edw. Coke* his Books.

or any Three of them, are to make enquiry *after ſuch Books, Papers*, and *Manuſcripts as have been ſeized from Sir* Edward Coke *or his Servant*, and by what Authority, and by whom they were ſeized; and to preſent ſome Courſe or Method to the Houſe for the recovery of them, and have Power to ſend for Parties, and Witneſſes, or any thing elſe that may conduce to this Buſineſs.

Mr. *Noye*'s Books.

This Committee is likewiſe to take into conſideration the enquiry after ſuch Books as Mr. Attorney has received of Mr. *Noye*'s.

French Wines.

The humble Petition of the Merchants Trading in *French Wines*, read.

Ordered,

16 *Caroli.*

Ordered, That Sir *Thomas Dawes* be forthwith ſent for, to give an Account to this Houſe why he does forbid the Landing of the Wines complained of in a Petition exhibited here from the Merchants Trading in *French* Wines.

Sir *Tho. Dawes* for Wines.

Mr. *Maynard*, who has the Chair at the Committee for Privileges, by leave of this Houſe is diſpenſed with from being there this Afternoon, and the Committee is to appoint another to the Chair in his place for this time.

Mr. *Maynard.*

Ordered, The whole Buſineſs concerning the Church of St. *Gregories* by *Paul's*, be referred to the Select Committee, with the addition that is appointed for that Buſineſs, and they are to meet this Afternoon at Two of the Clock in the Exchequer Court.

St. *Gregory's* Church, a day to meet.

A Petition from Mr. *Halford* read.

Reſolved upon the Queſtion, That Mr. *Halford*, now a Priſoner in the *Tower*, by Order of this Houſe, ſhall be forthwith Diſcharged of his Impriſonment, performing the reſt of the Order, according to a Sentence pronounced againſt him here.

Mr. *Halford* diſcharged.

Sir *William Pennyman*, and Sir *Richard Bullar*, have *licenſe* to go and ſpeak with the Earl of *Strafford* upon their own private occaſions, and in the open Houſe they made their Proteſtations of Diſcovering nothing unto him concerning the Buſineſs of the Houſe.

Sir *W. Pennyman*, and Sir *Rich. Bullar.*

Monday Morning is peremptorily appointed for the Debate of the *Subjects Property* in their *Goods*. And it is likewiſe Ordered, That no other Buſineſs whatſoever ſhall then precede this Buſineſs, and Mr. *Speaker* is ordered to put the Houſe in mind of this Order ſo ſoon as he is in his Chair.

To Debate the Matter of Property in Goods.

The Debate concerning the Levying of the 100000 *l.* by way of Subſidy, or otherwiſe, is deſired to be conſidered of on *Monday* Morning next after the Debate of the Subjects Property in their Goods.

100000 *l.* Subſidy.

Monday Decemb. 7*th*. Power is given to the Committee for Ship-Money, to treat and conſider of all things that may concern that Buſineſs.

Power to a Committee for Ship-Money.

Leave is given to Mr. *John Mowin* of *Newport* in the Iſle of *Wight*, to be abſent for ſome great occaſions of his own, until after *Chriſtmas*.

Ordered, That the like Order as was ſent to the Juſtices of Peace for *Middleſex* and *London*, for the Indicting and Proſecuting of *Recuſants* at the next Seſſions, be ſent to all Juſtices of Peace within the ſeveral Counties of *England* and *Wales*; and to all the Officers of every ſeveral Liberty within the ſaid Counties, to proceed accordingly at the next Seſſions. And that Copies of this Order be delivered to the Knights of all the Shires, and to the Citizens and Burgeſſes of Cities and Boroughs within the ſaid Counties, to the end that they may be ſent down with care and ſpeed.

Popiſh Recuſants.

Lord Chief Juſtice *Littleton*, and the Lord Chief Baron *Davenport* bring from the Lords a Bill, Intituled,

An Act, for the Confirmation of ſeveral Letters Patents made by our Sovereign Lord the King, and other Grants made by His Majeſtie's deareſt Conſort the moſt High and Excellent Princeſs Henrietta Maria, *Queen of* England, Scotland, France *and* Ireland, *and others in truſt for her uſe.*

An Act for the Queens Jointure from the Lords.

The Houſe reſumed the Debate concerning Ship-money.

Lord

16 *Caroli.*

L. *Falkland's* Speech about Ship-Money.

Lord *Falkland's* SPEECH about Ship-Money.

Mr. *Speaker*,

I Rejoice very much to ſee this day; and the want hath not lain in my Affections, but my Lungs, if to all that hath been paſt I have not been as loud with my Voice as any man in the Houſe; yet truly my Opinion is, we have yet done nothing, if we do no more; I ſhall add what I humbly conceive ought to be added, as ſoon as I have ſaid ſomething with reference to him that ſays it.

I will firſt deſire the forgiveneſs of the Houſe if ought I ſay ſeem to intrench upon another's Profeſſion, and enter upon the work of another Robe. Since I have been intruſted by the Report of a learned Committee, and confirmed by the uncontradicted Rule of the Houſe, ſince I ſhall ſay nothing of this kind but in order to ſomething further; And which moves me moſt to venture my Opinion, and to expect your pardon, ſince I am confident that Hiſtory alone is ſufficient to ſhew this Judgment contrary to our Laws, and Logick alone ſufficient to prove it deſtructive to our Propriety, which every free and noble Perſon values more than his Profeſſion. I will not profeſs I know my ſelf, but all thoſe who know me, know that my natural diſpoſition is to decline from Severity, much more from Cruelty.

That I have no particular provocation from their Perſons, and have particular obligations to their Calling againſt whom I am to ſpeak; and though I have not ſo much knowledge in Law, yet far more than I have uſe for; ſo I hope it will be believed, that only publick Intereſt hath extorted this from me, and that which I would not ſay, if I conceived it not ſo true, and ſo neceſſary, that no undigeſted meat can lie heavier upon the Stomach, than this unſaid would have lain upon my Conſcience.

Mr. *Speaker*, The conſtitution of this Commonwealth hath eſtabliſhed, or rather endeavoured to eſtabliſh to us the ſecurity of our Goods, and the ſecurity of thoſe Laws which would ſecure us and our Goods, by appointing for us Judges ſo ſetled, ſo ſworn, that there can be no oppreſſion, but they of neceſſity muſt be acceſſary; ſince if they neither deny, nor delay us Juſtice, which neither for the Great, nor Little Seal, they ought to do; the greateſt Perſon in this Kingdom cannot continue the leaſt violence upon the meaneſt: But this Security, Mr. *Speaker*, hath been almoſt our ruine; for it hath been turned, or rather turned it ſelf into a Battery againſt us: And thoſe Perſons who ſhould have been as Dogs to defend the Sheep, have been as Wolves to worry them.

Theſe Judges, Mr. *Speaker*, to inſtance not them only, but their greateſt Crime, have delivered an Opinion and Judgment in an extrajudicial manner, that is, ſuch as came not within their cognizance, they being Judges, and neither Philoſophers, nor Politicians; In which, when that which they would have ſo abſolute and evident, taketh place, the Law of the Land ceaſes, and that of general reaſon and equity, by which particular Laws at firſt were framed, returns to his Throne and Government, where *ſalus Populi* becomes not only *ſuprema*, but *ſola Lex*; at which, and to which end, whatſoever ſhould diſpence with the King, to make uſe of any Money, diſpenſes with us, to make uſe of his, and one another's. In this judgment they contradicted both many and learned Acts and Declarations of Parliament; and thoſe in this very Caſe, in this very Reign; ſo that for them they needed to have conſulted with no other Record, but with their Memories.

2. They have contradicted apparent Evidences, by ſuppoſing mighty and eminent Dangers, in the moſt ſerene, quiet and halcion days that could poſſibly be imagined, a few contemptible Pirates, being our moſt formidable Enemies, and there being neither Prince nor State, with whom we had not either Alliance, or Amity, or both.

3. They contradict the VVrit it ſelf, by ſuppoſing that ſuppoſed Danger to be ſo ſudden, that it would not ſtay for a Parliament, which required but forty days ſtay, and the VVrit being in no ſuch haſt, but being content to ſtay forty days ſeven times over.

Mr. *Speaker*, it ſeemed generally ſtrange, that they ſaw not the Law, which all men elſe ſaw, but themſelves. Yet though this begot the more general wonder, three other Particulars begot the more general indignation.

The firſt of all the Reaſons for this Judgment, was ſuch, that there needed not any from the adverſe Party to help them to convert thoſe few, who before had not the

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the leaſt ſuſpicion of the legality of that moſt illegal VVrit, there being fewer that approved of the Judgment, than there were that judged it legal, for I am confident they did not *That* themſelves.

Secondly, When they had allowed to the King, the ſole Power in neceſſity, the ſole Judgment of neceſſity, and by that enabled him to take both from us, what he would, when he would, and how he would, they yet continue to perſwade us that they had left us our Liberties and Properties.

The *Third* and *Laſt* is, and which I confeſs moved moſt, That by the transformation of us from the ſtate of free Subjects (a good Phraſe Mr. *Speaker*, under Doctor *Heylin*'s favour) unto that of Villains, they diſable us by legal and voluntary Supplies to expreſs our affections to His Majeſty, and by that to cheriſh his to us, that is by Parliaments.

Mr. *Speaker*, The cauſe of all the Miſeries we have ſuffered, and the cauſe of all our Jealouſies we have had, that we ſhould yet ſuffer, is, That a moſt excellent Prince hath been moſt infinitely abuſed by his Judges, telling him that by Policy he might do what he pleaſed; with the firſt of theſe we are now to deal, which may be a leading to the reſt. And ſince in providing of theſe Laws, upon which theſe men have trampled, our Anceſtors have ſhewed their utmoſt care and wiſdom, for our undoubted ſecurity, words having done nothing, and yet they have done all that words can do, we muſt now be forced to think of aboliſhing of our Grievances, and of taking away this Judgment, and theſe Judges together, and of regulating their Succeſſors by their exemplary puniſhment.

I will not ſpeak much; I will only ſay, we have accuſed a great Perſon of High Treaſon, for intending to ſubvert our Fundamental Laws, and to introduce Arbitrary Government, which we ſuppoſe he meant to do; we are ſure theſe have done it, there being no Law more fundamental, than that they have already ſubverted; and no Government more abſolute, than they have really introduced: Mr. *Speaker*, not only the ſevere puniſhment, but the ſudden removal of theſe men, will have a ſudden effect in one very conſiderable Conſideration.

We only accuſe, and the Houſe of Lords condemn; In which condemnation they uſually receive advice (tho not direction) from the Judges; And I leave it to every man to imagine how prejudicial to us, that is, to the Commonwealth, and how partial to their Fellow-malefactors, the Advice of ſuch Judges is like to be. How undoubtedly for their own ſakes, they will think it may conduce to their power, that every Action be judged to be a leſs fault, and every Perſon to be leſs faulty, than in juſtice they ought to do; Amongſt theſe, Mr. *Speaker*, there is one that I muſt not loſe in the Crowd, whom I doubt not but we ſhall find, when we examine the reſt of them, with what hopes they have been tempted, by what fears they have been eſſay'd, and by what, and by whoſe importunity they have been purſued, before they conſented to what they did; I doubt not, I ſay, but we ſhall then find him to have been a moſt admirable Solicitor, but a moſt abominable Judge; he it is who not only gave away with his breath, what our Anceſtors had purchaſed for us by ſo large an expence of their Time, their Care, their Treaſure, and their Blood, and imployed his Induſtry, as great as his Unjuſtice, to perſwade others to join with him in that deed of gift: but ſtrove to root up thoſe Liberties which they had cut down; and to make our Grievances immortal, and our Slavery irreparable, leſt any part of our Poſterity might want occaſion to curſe him; He declared that Power to be ſo inherent to the Crown, as that it was not in the power even of Parliaments to divide them.

I have heard, Mr. *Speaker*, and I think here that common Fame is ground enough for this Houſe to accuſe upon; And then undoubtedly there is enough to be accuſed upon in this Houſe: he hath reported this ſo generally, that I expect not that you ſhall bid me name him whom you all know, nor do I look to tell you news, when I tell you it is my Lord Keeper. But this I think fit to put you in mind of, That his place admits him to His Majeſty, and truſts him with His Majeſty's Conſcience, and how pernicious every moment muſt be, which gives him means to infuſe ſuch unjuſt Opinions of this Houſe, as are expreſt in a Libel, rather than a Declaration, of which many believe him to be the Principal Secretary; and th'other puts the moſt vaſt and unlimited power of the Chancery into his hands, the ſafeſt of which will be dangerous; for my part, I think no man ſecure, that he ſhall think himſelf worth any thing when he riſes, whilſt all our Eſtates are in his breaſt, who hath ſacrificed his Country to his Ambition; whilſt he who hath proſtrated his own Conſcience, hath the keeping of the King's; and he who hath undone us already by wholeſale, hath a power left in him by retail.

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Mr. *Speaker*, In the beginning of the Parliament he told us, and I am confident every man here believes it before he told it, and never the more for his telling, tho a ſorry Witneſs is a good teſtimony againſt himſelf; That His Majeſty never required any thing from any of his Miniſters but Juſtice and Integrity. Againſt which, if any of them have tranſgreſt, upon their heads, and that deſervedly, it all ought to fall; It was full and truly ſaid; but he hath in this ſaying pronounced his own condemnation; we ſhall be more partial to him, than he is to himſelf, if we be ſlow to purſue it. It is therefore my juſt and humble motion, That we may chuſe a ſelect Committee to draw up his and their Charge, and to examine their carriage in this particular, to make uſe of it in the Charge; and if he ſhall be found guilty of tampering with Judges againſt the publick Security, who thought tampering with Witneſſes in a private Cauſe, worthy of ſo great a Fine; if he ſhould be found to have gone before the reſt to this Judgment, and to have gone beyond the reſt in this Judgment, that in the puniſhment of it the Juſtice of this Houſe may not deny him the due honour both to precede and exceed the reſt.

Ship-Money voted illegal.

Reſolved upon the Queſtion, *Nemine Contradicente*,

That the Charge impoſed upon the Subjects for the providing and furniſhing of Ships, and the Aſſeſſments for raiſing of Money for that purpoſe, commonly called Ship-Money, are againſt the Laws of the Realm, the Subjects Right of Property, and contrary to former Reſolutions in Parliament, and to the Petition of Right.

Reſolved upon the Queſtion, *Nemine Contradicente*,

That the extrajudicial Opinions of the Judges publiſhed in the *Star-Chamber*, and inrolled in the Courts of *Weſt' in hæc verba*, &c. (Reciting the Judgment.)

In the whole, and in every part of them are againſt the Laws of the Realm, the Right of Property, and the Liberty of the Subjects, and contrary to former Reſolutions in Parliament, and to the Petition of Right.

Ship-Writs.

Reſolved upon the Queſtion, *Nemine Contradicente*,

That the Writ following, *in hæc verba*, &c. and the other Writs, commonly called the Ship-Writs, are againſt the Laws of the Realm, the Right of Property, and the Liberty of the Subject, and contrary to former Reſolutions in Parliament, and to the Petition of Right.

Committee concerning the Judges.

Lord *Falkland*,	Sir *William Litton*,
Mr. *Hollis*,	Mr. *Peirpoint*,
Mr. *Hyde*,	Sir *John Strangeways*,
Sir *John Culpepper*,	Lord *Wenman*,
Mr. *Kirton*,	Mr. *Crew*,
Mr. *Goodwin*,	Sir *Arth. Haſlerigg*,
Sir *Miles Fleetwood*,	Mr. *Peard*,
Sir *Guy Palmes*,	Sir *Fra. Seymour*.

Theſe are to go forthwith to the ſeveral Judges, to know how they were *ſollicited or threatned*, and in what manner, and by whom to give any Opinion or Judgment concerning Ship-Money, and they are to go two to a Judge.

This Committee hath likewiſe leave to acquaint the Judges what hath been voted this day in the Houſe touching Ship-Money, and to uſe their own diſcretions to ask ſuch Queſtions as ſhall be material to the matter contained in the Order.

Boſſinny Election reſumed.

Reſolved upon the Queſtion, That the Election of the Burgeſſes for *Boſſinny* in the County of *Cornwal*, is void; and that a Warrant ſhall iſſue forth under Mr. *Speaker*'s Hand, directed to the Clerk of the Crown in Chancery for a new Writ, for electing of two Burgeſſes to ſerve for the ſaid Town of *Boſſinny* in this preſent Parliament.

Tueſday,

16 Caroli.

Tueſday, Decemb. 8. Sir *Roger North* hath licenſe to be abſent from this Houſe for a while, upon ſome great occaſions of his own.

Decemb. 8. *Edw. Coffer's* Petition.

The humble Petition of *Edward Coffer* Eſq;, Councellor at Law, read, And it was thereupon Ordered, That *John Anguiſh*, late Mayor of the City of *Norwich*, complained of in the Petition, be forthwith ſent for as a Delinquent by the Serjeant at Arms attending on this Houſe.

New Canons.

Wedneſday Morning is peremptorily appointed for the Debate of the *New Canons*, and the Benevolence granted by the Clergy, and nothing is to precede this Debate; and Mr. *Speaker* is to put the Houſe in mind of this Order, ſo ſoon as he is in the Chair.

Mr. *Hampden's* Election.

Mr. *Hampden* choſen one of the Knights of the Shire for the County of *Bucks*, and alſo one of the Burgeſſes for *Wendover* in the ſaid County; chuſes to ſerve as Knight for *Bucks*, and waves *Wendover*.

Wendover.

Ordered, A Warrant to iſſue forth under Mr. *Speaker's* hand to the Clerk of the Crown in Chancery, for a new Writ for the Electing of another Burgeſs for *Wendover*.

Mr. *Maynard's* Election.

Mr. *Maynard* Choſen for *Newport* and *Tothnes*; waves *Newport*, and chuſes to ſerve for *Tothnes*. A Warrant to iſſue under Mr. *Speaker's* hand according to Cuſtom for Electing of a Burgeſs to ſerve for *Newport*.

Mr. *Maynard* Reports from the Committee for Priviledges,

Mr. *Maynard* Reports from the Committee of Privileges.

That the Queſtion did ariſe between Mr. *Brampton Gordon*, who pretended he was choſen, though not returned; and Sir *Robert Crane*, who was returned a Burgeſs for the Town of *Sudbury Com' Suffolk*. That they heard Witneſſes on both ſides, and the Committee was ſatisfied with the Witneſſes on Sir *Robert Crane's* behalf, and are of opinion he is duely elected, with which Vote the Houſe agreed: He likewiſe reported the Election at *New Windſor*.

Sudbury Election.

Windſor Election.

That there was a Competition between Sir *Thomas Roe*, and Mr. *Waller*, who were returned Burgeſſes for *New-Windſor*, and Mr. *Holland* and Mr. *Taylor* who is ſince dead, who pretended they were Elected, though not returned. The queſtion was, Whether the Inhabitants in general, or the particular choice of the Mayor, Bailiff, and ſome few of the Town ſhould have Power of Election.

This place was incorporated by the name of Mayor, Bailiff, and Burgeſſes in *Edw.* the 4*th*'s time; and in *Hen.* 8*th*'s time the return was made by the Mayor, Bailiff, and Burgeſſes. But of late times, return hath been made by Mayor, Bailiffs, and Commonalty. And the Committee was of Opinion, That the Charter being an Incorporation of Inhabitants, the Inhabitants of right ought to chuſe, and not the ſpecial Men.

Upon this Report it was reſolved upon the Queſtion,

Windſor.

That all the Inhabitants of the Borough of *Windſor* have generally right to the Election of Burgeſſes to ſerve for that Town in Parliament.

Reſolved upon the Queſtion,

That the Election of Mr. *Holland* for one of the Burgeſſes for the Town of *Windſor* is not good

Windſor Election.

Ordered, That a Warrant iſſue forth under Mr. *Speaker's* hand directed to the Clerk of the Crown in Chancery, for a new Writ for the Election of two Burgeſſes to ſerve in this Parliament for the Town of *Windſor*.

Power to the Committee for Properties.

Ordered, That the ſame Committee that was formerly appointed to conſider of the Propriety of the Subjects in their Goods, ſhall take into conſideration ſome way of ſeeing the entring upon Record the ſeveral Commiſſions for Loans and Exciſe, and the reſolutions of former Parliaments

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ments thereupon, and the addition that was offered by the Lords to the Petition of Right, and the Reſolution of the Houſe thereupon: And alſo the Reſolutions of thoſe ſeveral Queſtions propoſed here concerning Ship-Money, that they may remain fair to Poſterity; And it is referred to the ſame Committee to make a Preparation of the Vote of this Houſe paſt here concerning Ship-Money to be transferred up to the Lords. And the ſame Committee is to conſider of, and prepare a Charge againſt the Lord Keeper, and the reſt of the Judges that gave their Opinion touching Ship-Money. And alſo to take into their conſideration their extrajudicial Opinions, and the Judgments in the Caſe of Ship-Money. And they are to inquire of the ſeveral denials of *Habeas Corpus*, and Prohibitions, and their ſeveral *extrajudicial Proceedings* and Opinions concerning *Eccleſiaſtical* Juriſdictions, and the Court of Admiralty, and their denial of Legal and ordinary Proceedings in Caſes of Juſtice, and the binding of the whole Kingdom by any one Man's particular Caſe. And they have Power to ſend for Parties, Witneſſes, Papers, Records, or any thing elſe that may conduce either to the whole, or to any particular of this buſineſs. And are to preſent the ſtate of the whole Matters to this Houſe, and are to meet this Afternoon at Two a Clock in the Exchequer-Chamber.

Addition to the Committee for Property.

Mr. *Treaſurer*,	Sir *Ralph Hopton*,
Sir *Thomas Roe*,	Sir *Hugh Cholmley*,
Mr. *Strode*,	Sir *John Hotham*,
Mr. *Jane*,	Sir *Tho. Barrington*,
Sir *Edw. Hungerford*,	Sir *Peter Hayman*.

And thoſe ſixteen that were yeſterday appointed to confer with the Judges, are likewiſe added to this Committee.

Ordered, That Mr. *Palmer* be added to the Committee for Foreſts.

Ordered, That the Committee for the *High Conſtable* and *Earl Marſhal's Court*, now *ſine die*, do meet to Morrow in the Afternoon in the wonted place, and that all the Lawyers of the Houſe be added to this Committee.

Decemb. 9. Judgment in the Exchequer concerning Ship-Money.

Wedneſday, *Decemb.* 9. Upon a Motion made, Sir *Thomas Fanſhaw* received the Copy of the *Judgment*, and other Proceedings in Mr. *Hampden's* Caſe, to examine it carefully, and perfectly, that it might be entred here according to a former Order.

Mr. *Warner*, and Mr. *Holford*.

Mr. *Warner* and Mr. *Holford* are to be brought hither to Morrow morning to make their Submiſſions here at the Bar, as by their Sentence they were ordered.

Sir *George Ratcliff* to the Gate houſe.

Ordered, That Sir *George Ratcliff* Knight, now in the Cuſtody of the Serjeant at Arms attending this Houſe, be forthwith Committed Priſoner to the *Gate-Houſe*, to be kept in ſure and ſafe Cuſtody during the Pleaſure of this Houſe, there being here an Information of High Treaſon againſt him.

None to ſpeak with him privately.

Mr. *Speaker* is likewiſe to intimate to the Keeper of the Priſon, that he ſuffer no Man to ſpeak with Sir *George Ratcliff*, but in his Preſence and Hearing.

Committee to procure Convocation Warrants.

Mr. *Selden*,	Mr. *Bodevile*,
Sir *Tho. Widrington*,	Mr. *Glyn*,
Mr. *Whiſtler*,	Mr. *Palmer*,
Mr. *St. John*,	Mr. *Peard*,
Mr. *Bagſhaw*,	Mr. *Coke*,
Mr. *Holborne*,	Mr. *Maynard*.

This

This Committee, or any three or two of them, are required to procure for the Service of this Houſe, the Licenſes precedent and ſubſequent to the laſt *Convocation*, and ſuch other Commiſſions and Warrants as they ſhall think neceſſary, for the clear Debating of the *New Canons*, and the Benevolence granted by the *Clergy*. They have likewiſe Power to examine the Clerk of the Signet Office, or any other Officer whom it may concern, how the Commiſſion that enables the Clergy to give and take the new Oath, is withdrawn, and by whom. They are likewiſe to conſider of the Convocation Writs, whether they are the ſame with the Writs of former times, and they are to conſider the Nature of the Proxies, and to enquire after the Opinions that the Judges gave in this Buſineſs. And have Power to ſend for Parties, Witneſſes, Papers, Records, or any thing elſe that may conduce to this buſineſs. And are to preſent the ſtate of the whole Matter unto the Houſe on *Monday* next. And are to meet this Afternoon at Two of the Clock in the Treaſury Chamber.

16 Caroli.

Convocation Warrants.

The reſt of the day was ſpent about Two Subſidies which were given in lieu of 100000 *l.*

Thurſday, Decemb. 10. An Act for the Naturalization of *George Smith* of *London*, Merchant, read the firſt time.

Decemb. 10. Naturalization of *George Smith.*

Mr. *Warner* and M. *Holford* were one after another called in, and kneeling at the Bar, the Petitions they exhibited during their Impriſonment in the *Tower*, in which they deſired the mercy of this Houſe, were read unto them, and according to the ſence of thoſe Petitions they perſonally made an acknowledgment of their offences, and of the Juſtice of this Houſe, and of their ſorrow for their Crimes, and humbly beſought the Mercy and Favour of this Houſe might be extended towards them.

Warner and *Holford*, Delinquents receive Sentence.

Mr. *Speaker* told them, The Houſe did allow of their Submiſſion, and did order them forthwith *to be diſcharged* from the Serjeant's Cuſtody, paying their Fees; and that for the reſt of their Sentence, the Houſe would take ſome Courſe for their performing of it hereafter.

Mr. *Holford*, and Mr. *Warner* diſcharged.

Ordered, That Notice be forthwith left at Mr. Secretary *Windebank*'s Houſe, requiring him *peremptorily to appear* here to morrow morning. And it was moved, That if he came not, that then a Meſſage ſhould be ſent to the Lords, to deſire them to move His Majeſty for a Proclamation to be awarded againſt him to bring him in. Upon this the Secretary fled beyond Sea. Being out of the Parliaments reach, he ſent a Letter to the Earl of *Pembroke*, Dated at *Calice*, wherein among other Paſſages, he wrote to his Lordſhip, *That he ſhould have received an account of his firſt Arrival; but that he was ſo mortified with a hazardous Paſſage in an open Shallop, and ſo perplexed with the thoughts of Miſery, into which he found himſelf plunged, that it was not poſſible for him to perform his Duty ſooner. That he was the ſaddeſt and moſt wounded ſoul in the World, a Spectacle of Miſery in himſelf, his Wife, Children and Fortunes, having loſt his attendance upon his Soveraign, and being become a Scorn and a By-word to all the World, a Wanderer, and an Exile from his own Country, now in the declenſion of his years, and likely to end his days in a remote Countrey, far from the Comfort of all his Friends. What I am guilty of*, ſaid he, *none knows ſo well as His Majeſty, whom I have ſerved Faithfully, Diligently, Painfully, and with as True and Loyal a Heart, according to my Poor Abilities, as any other whoſoever.*

Secretary *Windebank.*

His Letter to the Earl of *Pembroke.*

An. 1640.

Mr. *Treaſurer*, Mr. *King*,
Sir *Thomas Roe*, Mr. *Jennour*,
Mr. *Pym*, Mr. *John Moore*,
Captain *Rainsborow*, Mr. *Potts*.

The Citizens of *London*, The Barons and Burgeſſes of all the Ports, and Sea-Towns.

Algiers. This *Committee* is to receive, and to take into Conſideration the Petitions that are, or ſhall be preferred on the behalf of the Priſoners, and *Captives of Algiers*, *Tunis*, or elſewhere, under the *Turk*'s Dominions, and are to preſent the ſtate of them to this Houſe, and ſome ſpeedy way for their redreſs; And are to think of ſome courſe for the ſecuring of Navigation, and of His Majeſty's Subjects for hereafter, and have power to ſend for Parties, Witneſſes, Papers, Records, or any thing elſe that they ſhall think may conduce to the buſineſs, and are to meet to morrow in the Afternoon at Two of the Clock in the *Star-Chamber*.

100000 *l.* The Order made yeſterday for debating the way of raiſing the 100000 *l.* was read.

Reſolved upon the Queſtion,

100000 *l.* *That the Houſe ſhall now be reſolved into a Committee to debate the former Order made concerning the raiſing of* 100000 *l. and to conſider whether it be fit to alter it, and wherein.*

Yea and *Noe* divided. (Rule.) Upon the difference of the *Yeas* and *Noes* concerning the altering of a Vote about the 100000 *l.* the Houſe being divided, It was declared for a Conſtant Rule, *That thoſe that give their Votes for the preſervation of the Orders of the Houſe, ſhould ſtay in; And thoſe that give their Votes otherwiſe, to the introducing of any new matter, or any alteration, ſhould go out.* But at this time before the *Noes* had all gone out, the *Yeas* yielded.

Reſolved upon the Queſtion,

Two Subſidies inſtead of 100000 *l.* *That inſtead of the* 100000 l. *formerly Ordered by this Houſe for the Relief of the King's Army, and the* Northern *Counties, Two Subſidies ſhall be granted to the Uſes expreſt in the former Orders.*

Mr. *Peard* has leave to be of Councel with the Lord *Brook* in the Houſe of Lords.

Decemb. 11. A new Writ for *Windſor* to the old Sheriff. *Friday*, *Decemb.* 11. *Ordered*, That the Clerk of the Crown forthwith deliver the Writ for Electing of two Burgeſſes to ſerve in this Parliament for the Town of *New Windſor* in the County of *Berks*, to the Sheriff of the ſaid County who is now in Town.

A Witneſs in Mr. *Pryn*'s Cauſe. Mr. *Grimſton* and Mr. *Purefoy* have leave from this Houſe to go and examine Mr. *Collins* of *Lincolns-Inn* as a Witneſs in Mr. *Pryn*'s Cauſe, in regard that Mr. *Collins*, by reaſon of ſickneſs, is not able to attend the Committee. And they are to Report his Examination to the Committee for Mr. *Pryn*'s buſineſs.

Coll. *Lunsford.* Collonel *Lunsford* being, upon ſome occaſions, to attend the Houſe of Lords and this Houſe, and having likewiſe ſome occaſions of his own, It was deſired that, with the leave of the Houſe, he may attend the Lord General for his leave to ſtay ſo long in Town as his Lordſhip ſhall think fit. And it was agreed unto accordingly.

Committee for the Bill of 100000 *l.* is to draw up a Bill for two Subſidies. The ſame Committee that was appointed to draw up the Bill for the Grant of 100000 *l.* is to draw up the Bill for the Two Subſidies; And are to take into conſideration thoſe Circumſtances that happened here, in debate concerning that buſineſs, and are to meet this Afternoon at Two of the Clock in the *Exchequer* Court.

This

16 *Caroli.*

This day there was preſented a Petition from many of His Majeſty's Subjects in and about the City of *London.*

To the Right Honourable the Commons Houſe of Parliament.

The Humble Petition of many of His Majeſty's Subjects in and about the City of *London*, and ſeveral Counties of the Kingdom,

Sheweth,

The *London* Petition againſt Biſhops, and 28 Grievances occaſion'd by them, preſented *December* 11. 1640.

THat *whereas the Government of* Arch-Biſhops *and* Lord-Biſhops, Deans *and* Arch-Deacons, *&c. with their Courts and Miniſtrations in them, have proved prejudicial and very dangerous both to the Church and Commonwealth, They themſelves having formerly held, That they have their Juriſdiction or Authority of humane Authority, till of theſe later times being further preſſed about the unlawfulneſs, that they have claimed their Calling immediately from the Lord Jeſus Chriſt, which is againſt the Laws of this Kingdom, and Derogatory to His Majeſty and his State Royal. And whereas the ſaid Government is found by Woful Experience to be a main cauſe and occaſion of many foul Evils, Preſſures and Grievances of a very high Nature unto His Majeſty's Subjects in their own Conſciences, Liberties and Eſtates, as in a Schedule of Particulars hereunto annexed, may in part appear:*

We therefore moſt humbly pray, and beſeech this Honourable Aſſembly, the premiſſes conſidered, That the ſaid Government with all its Dependencies, Roots and Branches, may be aboliſhed, and all Laws in their behalf, made void, and the Government according to God's Word may be rightly placed amongſt us. And We your humble Suppliants, as in Duty we are bound, will daily pray for His Majeſty's Long and Happy Reign over us, and for the proſperous Succeſs of this High and Honourable Court of Parliament.

A Particular of the manifold Evils, Preſſures and Grievances cauſed, practiſed and occaſioned by the Prelates and their Dependants.

1. THE ſubjecting and inthralling all Miniſters under them and their Authority, and ſo by degrees exempting them from the Temporal Power; whence follows,

2. The faint-heartedneſs of Miniſters to Preach the Truth of God, leſt they ſhould diſpleaſe the Prelates; as namely, the Doctrine of Predeſtination, of Free-Grace, of Perſeverance, of Original Sin remaining after Baptiſme, of the Sabbath, the Doctrine againſt Univerſal Grace, Election for Faith foreſeen, Free-Will, againſt Antichriſt, Non-Reſidents, humane Inventions in God's Worſhip; all which are generally with-held from the Peoples knowledge, becauſe not reliſhing to the Biſhops.

3. The Encouragement of Miniſters to deſpiſe the Temporal Magiſtracy, The Nobles and Gentry of the Land; To abuſe the Subjects, and live contentiouſly with their Neighbours, knowing that they, being the Biſhops Creatures, ſhall be ſupported.

4. The reſtraint of many Godly and Able Men from the Miniſtry, and thruſting out of many Congregations their faithful, diligent and powerful Miniſters, who lived peaceably with them, and did them good, only becauſe they cannot in Conſcience ſubmit unto, and maintain the Biſhops needleſs devices; nay, ſometimes for no other cauſe, but for their Zeal in Preaching, or great Auditories.

5. The

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5. The ſuppreſſing of that godly deſign ſet on foot by certain Saints, and ſugared with many great Gifts by ſundry well-affected Perſons for the buying of Impropriations, and placing of able Miniſters in them, maintaining of Lectures, and founding of Free-Schools, which the Prelates could not endure, leſt it ſhould darken their glories, and draw the Miniſters from their dependance upon them.

6. The great encreaſe of Idle, Leud and Diſſolute, Ignorant and Erroneous Men in the Miniſtry, which ſwarm like the Locuſts of *Egypt* over the whole Kingdom; And will they but wear a Canonical Coat, a Surplice, a Hood, bow at the Name of *Jeſus*, and be zealous of Superſtitious Ceremonies, they may live as they liſt, confront whom they pleaſe, Preach and vent what Errors they will, and neglect Preaching at their pleaſures without controul.

7. The diſcouragement of many from bringing up their Children in Learning; the many Schiſms, Errors, and ſtrange Opinions which are in the Church; Great Corruptions which are in the Univerſities; the groſs and lamentable ignorance almoſt every where among the People, the want of Preaching Miniſters in very many places both of *England* and *Wales*; the Loathing of the Miniſtry, and the general defection to all manner of Prophaneneſs.

8. The ſwarming of laſcivious, idle and unprofitable Books and Pamphlets, Play-books and Ballads; as namely, *Ovid's Fits of Love*, *The Parliament of Women*, which came out at the Diſſolving of the laſt Parliament; *Barns's Poems*, *Parker's Ballads*, in diſgrace of Religion, to the encreaſe of all Vice, and withdrawing of People from Reading, Studying and Hearing the Word of God, and other good Books.

9. The hindering of Godly Books to be Printed, the blotting out or perverting thoſe which they ſuffer, all or moſt of that which ſtrikes either at Popery or Arminianiſm; the adding of what or where pleaſeth them, and the reſtraint of reprinting Books formerly Licenſed, without relicenſing.

10. The publiſhing and venting of Popiſh, Arminian, and other Dangerous Books and Tenets; as namely, *That the Church of* Rome *is a true Church, and in the worſt Times never Erred in Fundamentals*; *That the Subjects have no Propriety in their Eſtates, but that the King may take from them what he pleaſeth*; *That all is the Kings, and that he is bound by no Law*; And many other, from the former whereof hath ſprung;

11. The Growth of Popery and Encreaſe of Papiſts, Prieſts and Jeſuits in ſundry places, but eſpecially about *London* ſince the Reformation; the frequent Venting of Crucifixes and Popiſh Pictures both Engraven and Printed, and the placing of ſuch in Bibles.

12. The Multitude of Monopolies and Patents, drawing with them innumerable Perjuries; The large encreaſe of Cuſtoms and Impoſitions upon Commodities, the Ship-Money, and many other great Burthens upon the Common-Wealth, under which all groan.

13. Moreover, the Offices and Juriſdictions of Arch-Biſhops, Lord-Biſhops, Deans, Arch-Deacons, being the ſame way of Church-Government, which is in the *Romiſh* Church, and which was in *England* in the time of Popery, little change thereof being made, (except only the Head from whence it was derived) the ſame Arguments ſupporting the Pope, which do uphold the Prelates; and overthrowing the Prelates, which do pull down the Pope; and other Reformed Churches, having upon their rejection of the Pope, caſt the Prelates out alſo as members of the Beaſt: Hence it is that the Prelates here in *England*, by themſelves or their Diſciples, plead and maintain, That the Pope is not Antichriſt, and that the Church of *Rome* is a true Church, hath not erred in Fundamental Points, and that Salvation is attainable in that Religion, and therefore have reſtrained to pray for the Converſion of our Soveraign Lady the Queen. Hence alſo hath come,

14. The great conformity and likeneſs both continued and encreaſed of our Church to the Church of *Rome*, in Veſtures, Poſtures, Ceremonies and Adminiſtrations, namely as the Biſhops Rotchets and the Lawn-Sleeves, the Four-Corner'd Cap, the Cope and Surplice, the Tippet, the Hood, and the Canonical Coat; The Pulpits cloathed, eſpecially now of late, with the Jeſuites badge upon them every way.

15. The ſtanding up at *Gloria Patri*, and at the Reading of the Goſpel, praying towards the Eaſt, the Bowing at the Name of *Jeſus*, the bowing to the Altar towards the Eaſt, Croſs in Baptiſm, the Kneeling at the Communion.

16. The

[illegible] le Altar-wise, setting Images, Cruci- [illegible] and Books upon them, and bowing or [illegible] f the second Service at the Altar, and [illegible] else denying the Sacrament to them; [illegible] place of God Almighty in the Church; [illegible]

16 Caroli.

17 [illegible] Churches and Chappels, the Consecrating [illegible] rds, and many other things, and put- [illegible] crati[illegible] upon pretended Pollution; as though [illegible] crating; and for want of this, sundry [illegible] m use as polluted.

[illegible] d out of the Romish *Breviary*, *Rituales*, [illegible] rchbishops and Ministers framed out of [illegible] Pontif[illegible]

[illegible] de, wherein among other things, Ex- [illegible] r speaking of a word against the Devices [illegible] no Law enjoined a restraint from the [illegible] denied to any that should refuse subscrip- [illegible] conformity, though he be never so much wronged by the Inferior Judges. Also the Canons made in the late Sacred Synod, as they call it, wherein are many strange and dangerous devices to undermine the Gospel, and the Subjects Liberties, to propagate Popery, to spoile God's People, insnare Ministers, and other Students, and so to draw all into an absolute subjection and thraldom to them and their Government, spoiling both the King and the Parliament of their Power.

20. The Countenancing Plurality of Benefices, prohibiting of Marriages without their Licence, at certain times almost half the Year, and licencing of Marriages without Banes asking.

21. Prophanation of the Lord's Day, pleading for it, and enjoining Ministers to read a Declaration set forth (as 'tis thought) by their procurement for tolerating of Sports upon that Day, suspending and depriving many Godly Ministers for not reading the same only out of Conscience, because it was against the Law of God so to do, and no Law of the Land to enjoin it.

22. The pressing of the strict Observation of the Saints days, whereby great Sums of Money are drawn out of mens Purses for working on them; a very high Burthen on most People, who getting their Living on their daily Imployments, must either omit them, and be idle; or part with their Money, whereby many poor Families are undone, or brought behind hand; yet many Church-Wardens are sued, or threatned to be sued by their troublesome Ministers, as perjured Persons, for not presenting their Parishioners, who failed in observing Holy-days.

23. The great increase and frequency of Whoredoms and Adulteries, occasioned by the Prelates corrupt Administration of Justice in such Cases, who taking upon them the punishment of it, do turn all into Moneys for the filling of their Purses; and lest their Officers should defraud them of their gain, they have in their late Canon, instead of remedying these Vices, decreed, That the commutation of Penance shall not be without the Bishop's privity.

24. The general abuse of that great Ordinance of Excommunication, which God hath left in his Church, as the last and greatest punishment which the Church can inflict upon obstinate and great Offenders; and the Prelates and their Officers, *who of right have nothing to do with it*, do daily excommunicate men, either for doing that which is lawful, or for vain, idle, and trivial matters, as working, or opening a Shop on a Holy-day, for not appearing at every beck upon their Summons, not paying a Fee, or the like; yea, they have made it, as they do all other things, a Hook or Instrument, wherewith to empty mens Purses, and to advance their own greatness; and so that Sacred Ordinance of God by their perverting of it, becomes contemptible to all men, and is seldome or never used against notorious Offenders, who for the most part are their Favourites.

25. Yea further, The pride and ambition of the Prelates being boundless, unwilling to be subject either to Man or Laws, they claim their Office and Jurisdiction to be *Jure Divino*, exercise Ecclesiastical Authority in their own Names and Rights, and under their own Seals, and take upon them temporal Dignities, Places and Offices in the Commonwealth, that they may sway both Swords.

26. Whence

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26. Whence follows the taking C[illegible] ries, and where elſe they ſit in matter[illegible] putting of Miniſters upon Pariſhes, [illegible]

27. The impoſing of Oaths of [illegible] wardens, and Sides-men, which the[illegible] at jars continually with their Mini[illegible] own Calling.

28. The exerciſing of the Oath [illegible] quiſition, reaching even to mens th[illegible] by Purſevants, the frequent ſuſpend[illegible] priſoning of all ſorts of People, break[illegible] mens Books, Letters, and other V[illegible] them from their Callings, ſeparatin[illegible] their wills, the rejecting of Prohibit[illegible] other Outrages, to the utter infringi[illegible] Liberties, and ruining of them and [illegible] the Land are ſo awed with the power and greatneſs of the Prelates, and other ways promoted, that neither Prohibition, *Habeas Corpus*, nor any other lawful remedy can be had, or take place, for the diſtreſſed Subjects in moſt Caſes; only Papiſts, Jeſuits, Prieſts, and ſuch others as propagate Popery or *Arminianiſm*, are countenanced, ſpared, and have much liberty; and from hence followed amongſt others theſe dangerous Conſequences.

Firſt, The general hope and expectation of the *Romiſh* Party, that their Superſtitious Religion will ere long be fully planted in this Kingdom again, and ſo they are encouraged to perſiſt therein, and to practiſe the ſame openly in divers places, to the high diſhonour of God, and contrary to the Laws of the Realm.

2. The Diſcouragement and Deſtruction of all good Subjects, of whom are multitudes, both Clothiers, Merchants and others, who being deprived of their Miniſters, and overburthened with theſe Preſſures, have departed the Kingdom, to *Holland*, and other Parts, and have drawn with them a great Manufacture of Cloth, and trading out of the Land into other places, where they reſide, whereby Wool, the great Staple of the Kingdom, is become of ſmall value, and vends not; Trading is decayed, many poor people want work, Seamen loſe employment, and the whole Land is much impoveriſhed, to the great diſhonour of this Kingdom, and blemiſhment to the Government thereof.

3. The preſent Wars and Commotions hapned between His Majeſty, and his Subjects of *Scotland*, wherein His Majeſty, and all his Kingdoms, are endangered, and ſuffer greatly, and are like to become a prey to the Common Enemy, in caſe the VVars go on, which we exceedingly fear will not only go on, but alſo encreaſe to an utter ruine of all, unleſs the Prelates, with their Dependences be removed out of *England*, and alſo they and their Practiſes, who, as we under your Honours favours, do verily believe and conceive, have occaſioned the Quarrel.

All which We humbly refer to the Conſideration of this Honourable Aſſembly, deſiring the Lord of Heaven to direct you in the right way to redreſs all theſe Evils.

London Petition againſt Biſhops.

Reſolved upon the Queſtion, That there ſhall be a day certain ſet down for the debating of the *Petition* now read and preſented from many of the Inhabitants in and about *London*. That this Debate ſhall be on *Thurſday* next. That the *Roll of Names* brought in with this Petition ſhall be ſealed with Mr. *Speaker*'s Seal, and the two Aldermens of the City of *London*, and be kept in Mr. *Speaker*'s hand, till the Houſe ſhall further order it; That the Members of the Houſe may have Copies of this Petition, and none elſe.

The Roll of Names to be ſealed up.

Committee for Subſidies.

'Tis Ordered to take into conſideration the providing and ſending down of the reſt of the Money, intended for the Relief of the King's Army, and the *Northen* Counties, to Morrow morning at Nine of the Clock, and the Committee for the Bill of Subſidies is to meet this Afternoon.

Mr. *Pargeter*'s Petition.

The Petition preferred by Mr. *Pargeter* of *Northamptonſhire*, was by Order deliver'd to Mr. *Knightley*. The

16 *Caroli.*

The Committee to prepare the Charge againſt the Lord Keeper now *ſine die*, is to meet this Afternoon.

Decemb. 12. *Okehampton* Petition.

Saturday, Decemb. 12*th.* The Petition of the Mayor and Burgeſſes of *Okehampton*, in the County of *Devon*, referred to the Committee for Privileges to peruſe the Records, and to certify their Opinions.

Naturalization.

Tueſday morning is appointed for thoſe that have Bills of Naturalization, to come to be ſworn.

Mr. *Mallory* have leave to go into the Countrey.

Upon Sir *Guy Palmes* his Motion, the Houſe granted leave to Young Mr. *Mallory* to go into the Countrey for a time, being imployed about His Majeſty's Affairs, and ſome Occaſions of his own neceſſitating him.

Sir *Tho. Widdrington*,
Mr. *Rolls*,
Sir *Peter Hayman*,
Mr. *Vaſſall*,
Mr. *Cage*,
Mr. *Upton*,
Mr. *Wingate*,
Sir *Anthony Irby*,
Mr. *Goodwin*,
Mr. *Alſton*,
Sir *Edw. Aſcough*,
Sir *Chriſtopher Wray*,
Mr. *Owfield*,
Mr. *Jane*,
Sir *Rich. Buller*.

To peruſe all Petitions.

This Committee, or any four of them, are *to peruſe all Petitions* that are come in, or to come in; And to peruſe them to ſee what Petitions are fit to be received, and to what Committee they are fit to be referred, and to report the ſame to this Houſe, and to meet in the Committee-Chamber at Two of the Clock this Afternoon.

No leave till a full Houſe.

No leave for any Member to go into the Countrey till a full Houſe, and Mr. *Speaker* to put the Houſe in mind thereof.

Windſor.

Ordered, That the old Sheriff of *Berks* ſhall, if he have not received his Diſcharge, execute the Writ for Election of Burgeſſes for *Windſor* forthwith.

Bill read for the Queen's Jointure.

A Bill for Confirmation of a Joynture made to the moſt Excellent Princeſs *Henrietta Maria*, Queen of *England*, &c. read the firſt time.

Mr. *Speaker*.

Mr. *Speaker* is deſired to come early on *Tueſday* morning, and to move the Houſe for a ſecond reading of the Bill for the Queen's Joynture.

Turkiſh Pirates.

Mr. *Treaſurer* and Captain *Rainsborow* are to preſent unto His Majeſty, That there are Ten *Turkiſh Pyrates*, as this Houſe is informed, upon the Weſtern Coaſts, and humbly to move His Majeſty, that two of His Majeſty's Ships now riding in the *Downs*, may forthwith be ſent to ſcowr the Seas, and ſecure the Merchants.

Army and Gariſons.

Mr. *Treaſurer* is added to the Committee that is appointed to conſider of the State of the King's Army; And this Committee is to take into conſideration the Condition of the Gariſon Towns, and what payments are fit to be made to the Soldiers there, to conſider of the proportioning of the reſidue of the Moneys that are to go down to the *North*, and to conſider of the expoſition of the words, *juſtly ſuſpected*, in the Order of this Houſe, concerning Recuſants that have Office in the Army.

Alex. Huiſh & al' Delinquents.

Ordered, That *Alexander Huiſh* Parſon of *Beckington*, *Henry Anketil* Parſon of *Wells*, *Richard Earl* Parſon of *Henington*, complained of in a Petition exhibited by the Inhabitants of the Pariſh of *Beckington*, in the County of *Somerſet*, for Innovations in the Church, *&c.* be forthwith ſent for as *Delinquents* by the Serjeant at Arms attending in this Houſe.

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Committee for the Bishop of *Bath* and *Wells*.

Sir *John Stoell*,
Sir *Ralf Hopton*,
Mr. *Ashe*,
Sir *Edw. Askew*,
Mr. *Pym*,
Mr. *Hatcher*,
Sir *Edw. Mountford*,
Mr. *White*,
Sir *John Strangeways*,
Mr. *Hyde*,
Sir *William Brereton*,
Mr. *Waller*,
Mr. *Trenchard*,
Mr. *Strode*,
Sir *Tho. Hutchinson*,
Mr. *King*,
Sir *Tho. Middleton*,
Mr. *Goodwin*,
Mr. *Wheeler*,
Mr. *Fynes*,
Mr. *Spurstow*,
Sir *William Litton*,
Sir *Robert Harley*,
Sir *John Curson*,
Sir *James Thynn*,
Mr. *Cage*,
Sir *Edw. Ashe*,
Mr. *Hampden*,
Mr. *Grantham*,
The Knights and Burgesses of *Somerset*.

Petition of *Beckington* in *Somersenshire*.

This Committe is to take into consideration the Petition exhibited by the Inhabitants of the Parish of *Beckington*, in the County of *Somerset*, and to receive all Petitions that concern the Bishop of *Bath* and *Wells*, and to present the state of the Business to the House, and has power to send for Parties, Witnesses, Papers, Records, or any thing else that may conduce to the Business. And are to meet on *Tuesday* at Two of the Clock in the Exchequer Court. The Petition from the County of *Somerset* now with the Committee of Twenty Four, is to be removed thence, and is referred by Order to this Committee.

The Petition of the Inhabitants of the Town and Parish of *Chalfort* St. *Peter* in the County of *Bucks*, is referred to the Committee for the Bishop of *Bath* and *Wells*.

Monday, Decemb. 14. 1640.

Concerning Lord Lieutenants, *&c.*

Mr. *Glynn*,
Mr. *Palmer*,
Mr. *Selden*,
Mr. *Whistler*,
Mr. *St. John*,
Sir *Two. Widrington*,
Mr. *Maynard*,
Mr. *Coke*,
Mr. *Sollicitor*,
Mr. *Grimston*,
Mr. *Pym*,
Sir *Peter Temple*,
Mr. *Nath. Fynes*,
Sir *Gervas Clifton*,
Sir *Nevil Poole*,
Mr. *Noell*,
Sir. *Arth. Hasleligge*,
Lo. *Ruthyn*,
Sir *Guy Palmes*,
Sir *Walt. Earle*,
Mr. *Bagshaw*,
Sir *William Litton*,
Sir *Peter Hayman*,
Sir *Hen. Anderson*,
Sir *John Strangeways*,
Sir *Oliver Luke*,
Mr. *Ashburnham*,
Sir *Tho. Barrington*,
Mr. *Sutton*,
Sir *Gilbert Gerrard*,
Sir *Fra. Seymor*,
Mr. *Capel*,
Mr. *Cage*,
Mr. *Hampden*,
Sir *John Hotham*,
Sir *John Evelyn*,
Sir *Edw. Deering*,
Sir *Alex. Denton*,
Sir *Ambr. B[illegible]*,
Sir *Si[illegible] Ewes*
Sir *Tho. [illegible]*,
Lord *[illegible]*,
Mr. *Kirton*,
Sir *Hugh Cholmley*,
Sir *Philip Stapleton*,
Sir *Christopher Wray*,
Sir *Antho. Irby*,
Sir. *John Wray*,
Sir. *Henry Herbert*.

And

Caroli 16.

And all that will come, are to have Voices at this Committee, who have Power to examine the Miſdemeanors of the Lieutenants, and Deputy Lieutenants, and other Inferior Officers, of all Counties, and all others employed under them, and are to conſider of the Aſſeſſing, Levying, Collecting, and taking of Coat and Conduct-Money, and all other Levies of Moneys contrary to Law, and are to conſider of the Miſdemeanors of the Clerk of the Peace, and are to prepare a Bill for the Regulating of the Actions of Lord Lieutenants, and Deputy-Lieutenants, and for the Rating, Levying, and Aſſeſſing of the Arms of the Kingdom; And has Power to ſend for Parties, Witneſſes, Papers, Records, or any thing elſe that may conduce to the Buſineſs, and to Aſſign and hear Councel. The Petition of *Francis Haſlewood*, Eſq;, and Three other Petitions delivered with it, and the Petition of the Mayor and Aldermen of the City of *Norwich*, are referred to this Committee, and they have Power to receive all Petitions of the like Nature, and are to meet to Morrow in the Afternoon at Two of the Clock, in the Dutchy Court.

A Committee concerning Lord Lieutenants, and Deputy Lieutenants.

Mr. Treaſurer is intreated to acquaint His Majeſty, with the great Care and Affection of this Houſe, to advance, and ſettle His Majeſty's Revenue; and for that purpoſe do humbly deſire His Majeſty that he will give them leave to enter into the Debate of His Majeſty's Revenue, and Expences.

King's Revenue to be debated if the King give leave.

The further Debate of the new Canons is deferred till to Morrow morning Nine of the Clock peremptorily, for all that will ſpeak unto them, and Mr. Speaker is to put the Houſe in mind of this Order.

New Canons.

Ordered, That the Select Committee appointed to prepare the Charge againſt the Lord Keeper, and the Judges, ſhall have Power to treat of, and examine all Matters whatſoever that ſhall come before them concerning the Lord Keeper and the Judges; They have Power likewiſe to ſend ſome of their Members to examine the Judges, or any others, concerning this Buſineſs.

Lord Keeper *Finch*, and the Judges.

December 15.

Tueſday, Decemb. 15. The Humble Petition of *William Bullock* Read.

Bullock required to attend his Cauſe here.

Ordered That Mr. *Bullock*, who is required to attend the Grand Committee for Trade this Afternoon upon a Cauſe depending here; and likewiſe required by an Order in Chancery, to attend the Lord Keeper in the ſame Cauſe, as by the Petition appears, at the ſame time, ſhall attend his Cauſe depending here, and be diſpenſed with from his attending the Lord Keeper, till his Cauſe be ended here; and that he ſhall not be prejudiced by any Order made in the ſame Cauſe by the Lord Keeper during his neceſſary attendance here.

Ordered, That the Buſineſs concerning Sir *William Pennyman*, and the Levying of Moneys by Muſquetiers, be referred to the Committee for Deputy Lieutenants, to be the next Cauſe after *Leiceſterſhire* Cauſe

Sir *William Pennyman*.

Ordered, That Captain *Toward*, an Officer in Sir *William Pennyman*'s Regiment, informed againſt in this Houſe for Levying of Moneys by Muſqueteers, be forthwith ſent for as a Delinquent, by the Serjeant at Arms attending on this Houſe.

Captain *Ralph Toward* Delinquent.

The Petition of *James Maleverer* of *Arnecliff* in the County of *York*, and of —— *Moyſer*, Eſquire, complaining of the Judges in the Exchequer for their Proceedings againſt them in the Caſe of Knighthood, Read, but nothing further done therein at this time.

Moyſer & *Maleverer*, about Knighthood Money.

Then the Houſe proceeded to take into conſideration the Proceedings in the laſt Convocation, and the new Canons there made, touching which there were made the following Speeches.

An. 1640.

Sir *Edward Deering*'s Speech about the Canons.

Sir *Edw. Deering*'s Speech about the Canons, *Decemb.* 14. 1640.

Mr. *Speaker*,

THat the late Canons are invalidous, it will eaſily appear; and that they are ſo originally in the foundation, or rather in the Founders of them, I will aſſume upon my ſelf to demonſtrate, having firſt intimated my ſence by way of Preparative.

The Pope (as they ſay) hath a Triple Crown; anſwerable thereunto, and to ſupport it, he pretends to have a threefold Law; the firſt is *Jus divinum*, Epiſcopacy by Divine Right, and this he would have you think to be the Coronet next his Head, that which doth circle and ſecure his Power; our Biſhops have (in an unlucky time) entred their Plea, and pretended Title to this Crown, Epiſcopacy by Divine Right.

The ſecond is *Jus humanum*, *Conſtantine*'s Donation, the gift of Indulgent Princes temporal *Power*; this Law belongs to his ſecond, or his middle Crown, already alſo pleaded for by our Prelates in Print.

Theſe two Crowns being obtain'd, he (the Pope) doth frame and make his third Crown himſelf, and ſits that upmoſt upon the top.—— This Crown alſo hath its Law, and that is *Jus Canonicum*, the Canon-Law, of more uſe unto his Popeſhip than both the other—— Juſt ſo our Prelates from the pretended Divinity of their Epiſcopacy, and from the Temporal Power granted by our Princes, they would now obtrude a New Canon-Law upon us.

They have charged their Canons at us to the full, and never fearing that ever they would recoyle back into a Parliament, they have ramm'd a prodigious, ungodly Oath into them.

The Illegality and Invalidity of theſe Canons (as I conceive) is eaſily diſcovered by one ſhort Queſtion, *viz.* What do you call the Meeting wherein they were made? Give it a name to know it by: who can frame his Arguments aright, unleſs he can firſt tell againſt what he is to Argue? Would you confute the Convocation? They are a Holy Synod: would you argue againſt the Synod? Why they were Commiſſioners; would you diſpute the Commiſſion? They will mingle all Power together, and anſwer, that they were ſome fourth thing, that we neither know, nor imagine.——

Quo teneam vultus mutantem Protea nodo; unleſs they will unriddle themſelves, and own what they were, who made them, I may proſecute, but hardly with concludent Arguments, yet I venture.

I have conferr'd with ſome of the Founders of theſe new Canons; but I profeſs clearly, that I could never yet meet with any one of that Aſſembly, who could (in behalf of their Meeting) well anſwer me the firſt Queſtion in the Catechiſm, *What is your Name?* Alas! they were parted before they know what they were, when they were together.

The ſum of ſeveral Anſwers that I have receiv'd, doth amount to this; they were a Conventional-Synodical-Aſſembly of Commiſſioners; indeed a threefold *Chimæra*, a Monſter to our Law, a *Cerberus* to our Religion.

A ſtrange Commiſſion, wherein no one Commiſſioners Name is to be found! a ſtrange Convocation, that liv'd when the Parliament was dead! a ſtrange Holy Synod, where one part never ſaw, never conferr'd with the other!—— but indeed, what uſe or need of Conference, if that be true of theſe Canons, which I read of the former oyes, *Notum eſt Canones formari Lambethæ, priuſquam in Synodo ventilentur?* *Parker* Polit.

Thus far Preparatory: I proceed to my Arguments whereby to manifeſt the Invalidity of theſe Canons, not borrowing, but avoiding what hath formerly been inſtanced by others.

I will neither inveigh upon them, as un-named Commiſſioners, nor Inform them as the work of a dead Convocation, but will take them in the capacity of their own affected Title of a Synod, ſuch they bragged themſelves to be whilſt they ſate, ſuch they ſtyled themſelves in the Title Page of theſe (never to be Canoniz'd) Canons—— the words are—— Canons treated upon in Convocation,—— agreed upon in Synod.

This treating in one capacity, and agreeing in another, is a new Mould of Canons in, never uſed before, Canons bred in Convocation, born in a Synod, [illegible]

altho we had not one good Father, here are yet two Mothers to one Ill-favour'd Child, never known before, nor imagined, but of *Bacchus*, whom the Poet calls, among other Attributes, 16 *Caroli.*

——*Solumq; bimatrem.*

I proceed ——If their Meeting be a Synod; either it is ſo by Donation, by Election, or only by Uſurpation.

Donation from the King: is this Title and Authority indulged to them by His Majeſty? Look through all His Highneſs's Letters Patents, and they are not once ſaluted with the ambitious Title of a Synod; yet in the Canons they have aſſumed it 17 times; it is their own Pride, their own Preſumption.

The King hath not done it (pardon me) no Prince ever did it, or can do it; no Power Regal, Imperial or Papal, did ever attempt it, to ordain that *William* and *Richard*, *Matthew* and *John*, *&c.* and I know not who more, being met and aſſembled upon other Summons, ſhall, by a Commiſſion, be on a ſudden tranſlated from what they were, into an unthought of National Synod, without Voice, or Choice of any man to be concern'd; this never was done, this never can well be done.

As for the Election for ſuch Meetings, this indeed is, or ought to be of the true *Eſſ.* to a Legitimate Synod; but due Election, made up by Voices, is ſo much a ſtranger to this Synod, that their Fatherhoods will confeſs, that they were never truſted to this Synod, as a Synod, by any, either of the Clergy, or of the Laity.

Concerning the Choice of a few of them, and but a few (about 50. as I gueſs) choſen to the Convocation-Houſe, that Choice will never render them a Lawful Synod, until they can prove Metamorphoſis and Tranſubſtantiation——for the Rights of all their Chuſers, upon expiration of the Convocation-Houſe, return'd back home to every man's boſome from whence they breathed; ſo that if you will en-live the ſame to be now Synodal, who were before but Convocational, you muſt renew the old *Pythagorean* Tranſmigration; for they want the breath and life of an Election, and a new one you have not, and the old one is not to be had, but by Μεϑεμψύχωσις.

Beſides, I do affirm, and ſhall prove, that the Electors to a Convocation, and to a Synod, are not all one; the Clergy only do, and of right ought to chuſe unto the Convocation-Houſe: the reaſon; we of the Laity (as they call us) have our Houſe of Commons, where our Truſtees, by vertue of our Voices, do ſit at the ſame time; but in the Choice unto a Synod, we, who muſt be bound by the Determinations of the Synod, ought alſo to be intereſted in the Parties determining; this is clear enough in Reaſon, and will be better cleared preſently.

Of Synods, I find Five ſeveral ſorts. Firſt, a General or Univerſal Synod; Secondly, Patriarchal; Thirdly, National; Fourthly, Provincial; Fifthly, a Dioceſan Synod. I paſs by the two firſt, and laſt, as not pertinent to this Time, and Affair; concerning Provincial and National Synods, a word or two, if I knew which to call their late Meeting; they run on Riddles, and I want an *Oedipus* at every turn.

Theſe Canons were they forged in one Synod National, or in any Provincial? Were they any Provincial Synod? How then come their Acts and Canons imbodied together? How comes it to paſs, that all the Canons ſpeak in the ſingular number? the Synod, the Holy Synod, the Sacred Synod; Sacred will now be hardly granted, unleſs as the Poet doth

——*Auri ſacra fames*——

VVas it then but one? VVas it a National Synod? why the Provinces (we all know) never did Convene, they never met together: Look upon the Repreſentative Body of the Commons of this whole Land; every one, within the ſame VValls, hearing every one's Arguments, and thereupon mending, altering, and (as occaſion is) correcting his own Judgment, and afterwards (ὁμοθυμαδὸν) joining in unanimous conſent; and if the able Members of the North beyond *Trent* were divided from the reſt, there would quickly be found a want of their worth and weight; nor could their ſitting, at the ſame time, at *York*, make the reſt a Houſe of Commons here, for the whole Kingdom muſt be repreſented intire.

But as we have done with the Title Synod, ſo let us give them the Title National, a National Synod, and you will ſee how inconſiſtent and invalidous they are.

The

16 *Caroli.*

The very *Eſſe* of every Synod doth *ſubſiſt in a double foundation*, *Fundamentum materiale*, and *Fundamentum formale.*——— The due materials of a Synod, are the interiour qualities and indowments of the Perſons whereof the Synod conſiſteth, not their extraordinary Dignities and Promotions. And therefore every man thus qualified, is as capable to be of the Synod, as any Dean or Archdeacon of them all.

The *Fundamentum formale*, is *Delegatio ab Eccleſia, & debita Electio*, A due Choice to be made by all that are, or ſhall be concerned in the determination of the Synod: and this Truſt of Choice may fall upon another man, as well and as ſoon as upon a Dean or Archdeacon.

I will not quarrel the want of able Parts in any Members of that late, doubtful, dangerous Meeting; I grant them the Materials of a true Synod; but I will inſiſt only upon the ſecond, want of Form, want of due Election: which if they want, the moſt virtual and moſt obliging Tie, and the moſt binding part is wanting.

That they had no ſuch Election, we need not go forth to prove; No one man in the Kingdom can ſay that he gave a Voice to the Election of any one Dean, or Archdeacon to ſit for him in that Synod; nor were the Clerks choſen by all who were to be bound: ſo then there remaineth only to be proved this; That ſuch Election of Perſons by all Perſons to be concern'd in the Decrees and Canons, is neceſſary to the Conſtituting of a lawful Synod, which is all one as to ſay, That the Election to a Synod ought to be, both by the Clergy and Laity.

Mr. *Speaker*, I will trouble you but with one Reaſon, and a very few Inſtances, all briefly.

The Acts and Canons of every Lawful, National Council or Synod, ought to bind the whole Nation, both Laity and Clergy; but this cannot be reaſonable and juſt, if the Laity be excluded, both from ſuch Conſultation, and from choice of Conſulters. The Reaſon is plain, it is a ground in Nature, and ſo confeſſed in this very Caſe by Dr. *Field*, who hath it out of *Occam*—— *Quod omnes tangit, ab omnibus tractari debet*; And this is ſo clear a Maxim, That in this very ſenſe alſo, for the Laity to be preſent at Councils, this very Aphoriſm is uſed by the Pope in his own Gloſs upon the Canoniſt *Gratian*, *Quod omnes tangit, ab omnibus tractari debet.* Surely our Clergy are much too high, if herein they would out-go the very Canons of the Papal Synods, and conclude that which ſhall bind all, where all are not admitted to Treat, neither by themſelves, nor by Proxy.

Now the benefit of this Law of Nature and of Reaſon (as Dr. *Field* calleth it) we claim: The preſent Canons do concern us; I may be a Church-warden, my Son may be a Maſter of Arts, then muſt I preſent upon their yet unborn Articles, and he muſt ſwear their Oath of Covenant——— well, they were never truſted by us unto a Synod, and therefore ought not to be by us at all named; it is againſt Nature and Reaſon.

To ſecond this Argument by Inſtances in Proof of Practice, I ſhall produce a few, and but a few of many Examples and Authorities, that I originally cannot now command, but muſt be content to name a few Tracts, which, by way of Tranſcript, do walk along with my *Vade Mecum*.

The Point that I would eſtabliſh, is this, That in Synods and Councils, where Lay-men are concern'd in the Decrees, there the Laity may be preſent to Conſult, if not alſo to Decide; the Concluſions I will but point at; I will not enlarge to the vouching every place *verbatim*; Dr. *Field*, Dr. *Fulke*, *Gularti*us, are clear and poſitive in this Point.

Our Statutes for collecting and gathering together the former Canons into a new Body, do clearly evidence this unto us; in all which there is an equal proportion, 16 of the Clergy, and as many of the Laity.

The Author of the Hiſtory of *Trent*, is frequent in this Point, adding this for a Reaſon; That in a General Council, the Univerſal Church cannot be repreſented, if the Laity be excluded; ſo by the Rule *à paribus*, the Reaſon holdeth the ſame; a National Council cannot repreſent, if but one degree of many men of one quality and capacity be only preſent, and the reſt altogether excluded.

Gratian, the Canoniſt, doth allow the Laity to be preſent, eſpecially in ſuch Councils as do treat of Faith, and for proof doth vouch Pope *Nicholas*.

I will omit many proofs of many Emperors being perſonally preſent in Councils by themſelves, and ſometimes by their Vicegerents; as *Marcianus*, *Martianus*, &c. yet even this is Argumentative for us, a [illegible] our Right, for the Laity to be preſent.

An. 1640.

The *Greek* Hiſtorians are ſo plentiful, that I will only name them.

Theodoret, l. 5. c. 9.
Euſebius de vita Conſtantini, l. 3. c. 9, & 10.
Sozomen, l. 1. c. 16, & 17.
Nieph. Calliſtus, l. 8. c. 15.
Socrates, l. 1. c. 5. & l. 6. c. 2.
Evagrius Scolaſt. l. 2. c. 4. &c. 27.

Among the Latin Fathers, *Cyprian* is very plentiful.

As for Councils, look,

Nice 1. vouched by *Euſebius de vita Conſtantini* —— 4. Conc. *Carthag.* cited by *Gratian* —— the Council of *Eliberis* in *Spain*; Council of *Conſtantinople* in *Theodoret* —— Council of *Conſtance*, and the ſecond of *Nice* —— where it is ſaid of the Imperial Lady, the Famous *Pulcheria Auguſta*, that *Ipſa per ſemetipſam in ſancta quarta Synodo ſedit*: which Fourth Synod was with *Martianus* the Emperor.

To theſe I add the very *Ordo celebrandi Concilia*, written by *Iſidore*, and like unto the *Modus tenendi Parliamentum.*

Thus much for Humane Teſtimony; I have done with my haſty Notes; only I add this, and I beſeech you to intend it.

Whilſt we of the Laity had our power and voices to chuſe our own Miniſters, and our own Biſhops, (which is our Ancient Right, conſtantly allowed and practiſed in the beſt Primitive Times, whereof the Proofs are yet evident enough) ſo long (I ſay) we might truſt them in a Synod, whom we firſt had truſted to direct and guide our Souls in all the Miniſterial Function —— but to conclude us up now, and ſhut us out contrary to the Law of Nature and Reaſon, contrary to Ancient Uſages, not to admit us to Determination, nay to exclude us from Conſultation, and after all to take from us all Aſſent, both in Choice and in Refuſal of Paſtors to be ſet over us, and yet to bind us by Decrees; ſo we may prove (I fear) no leſs than Soul-Tyranny. I do not preſs the deſerved Right of our Choice of Paſtors; but one thing more lend me patience to add, as a ſupream *Coronis* to all that I have ſaid, for the Right of the Laity to Synods.

Look (I beſeech you) in the firſt Synod that ever was held in the Chriſtian Church, and that for ſo great and ſingular a Cauſe, as never was occaſion for the like in the World before, or ſince. You have it in the Firſt of the *Acts* of the Holy Apoſtles, and is for the Choice of a new Apoſtle. There were in this Synod, and of this Synod the Eleven Apoſtles, *Acts* 1. 13. *With the Brethren of the Lord.* Verſ. 14. There were the Diſciples; there was *Turba*, ὄχλος, a Multitude of about 120 Names. *Verſe* 15. St. *Peter* tells them, that out of that number one muſt be ordained to be a Witneſs of the Reſurrection of our Saviour; thereupon what doth the multitude of Diſciples there preſent? Ἔστησαν δύο, *Verſe* 23. they place or ſet two before the Apoſtles; and the ſame men, *viz.* all the Diſciples, *v.* 26. Ἔδωκαν κλήρους αὐτῶν, They give forth their Lots; and thereupon the Lot falling upon *Matthias*, he was numbred (ſaith our Tranſlation) with the Eleven Apoſtles; but the Original is more, συγκατεψηφίσθη, *communibus calculis annumeratus eſt*, he was by common Aſſent, or by common Voices reckoned with the Eleven. Now who were theſe common Voices? who were theſe 120 men? Evangeliſts, Biſhops, Deacons and Presbyters, or Elders, as yet, there was not one in all the World; the Apoſtles were but Eleven, perhaps not numbred in this 120; the Diſciples, if you will ſay that they were there, yet they were but 70. So that here is no Evaſion; the Laity were preſent, and not paſſive only, but they were active in this Original, ſo weighty a Synod.

My ſecond Inſtance in this kind, is out of the ſecond Council, that ever we read was held; and that is *Acts* 6. where the Apoſtles call a Council for the choice of 7 Deacons; Then the Twelve *called the multitude of Diſciples to them*, Verſe 2. τὸ πλῆθος τῶν Μαθητῶν, They, being aſſembled, do not ſay, We have Decreed, we have Ordered, and Ordained, and Injoined; but their language is, *v.* 3. Ἐπισκέψασθε ἄνδρας, *Brethren look you out*; the word is the ſame as ἐπίσκοπος both from ἐπισκοπεῖν, to overſee; *Do you overſee among you ſeven men of honeſt report. And the ſaying* (as it it is *verſ.* 5.) *pleaſed* ἐνώπιον παντὸς τοῦ πλήθους, *the whole multitude*; there is a Conſent of theirs, more plain in ἐξελέξαντο, *they, the multitude choſe ſeven*, Stephen *and* Philip, &c. Οὓς ἔστησαν ἐνώπιον τῶν Ἀποστόλων, whom they (ſtill the multitude, τὸ πλῆθος) *v.* 6. did ſet or place before the Apoſtles.

The

An. 1640.

The third and the laſt ſhall be the Παγκαθολικον, the Great and General Council held by the Apoſtles upon the Diſſentions of the Church in point of Circumciſion, (and that is *Acts* 15.) there you ſhall again find preſent πᾶν τὸ πλῆθος, v. 12. *all the multitude.* But you will ſay and object, that the next word is ἐσίγησε, *the multitude kept ſilence.* True, *Ergo*, what? therefore they ſpake not at all in this Council? nothing leſs: But, *Ergo*, they had ſpoken before; for it is plain by the word (THEN) *Then all the multitude kept ſilence.* If they had nothing there to do, but to be always ſilent, this particle of Time *(Then)* might well have been ſpared. This may perhaps be objected, and therefore ought to be prevented; for the farther clearing whereof, obſerve (I pray) the next, *verſe* 13. where in like manner it is ſaid of *Paul* and *Barnabas*, μετὰ δὲ τὸ σιγῆσαι αὐτοὺς, *And after they held their peace, Ergo*, they had ſpoken: And therefore the Frier, who collected together the Body of Councils, *(Peter Crabbe* a *German)* doth, even from this place, infer a Conſent of the People, ſaying, *Tacuit omnis multitudo, conſentiens Petro.*

But if you will have this more clearly evidenced beyond all Exceptions, pray take notice of the Reſolution of this Synod, *verſ.* 22. *Then pleaſed it the Apoſtles and Elders, with the whole Church*; What is that? The bleſſed Apoſtles and their Fellow-labourers did not ingroſs, and (as our Church-men affect to do) uſurp and monopolize the word *Church*, as proper only to Church-men; nay, you ſhall find it in the *Epigraphie* of Canons and Decrees of this True, Holy and Sacred Synod, that the deſpiſed Laity are in theſe Canons conjoin'd with the Bleſſed Apoſtles, although Pope and Patriarch, Primate and Metrapolitan, Archbiſhop and Biſhops, yea even down to Dean and Archdeacon, (I have heard it) do deſpiſe the thoughts of admitting the Laity, I do not ſay to Deciſion, but even to Conſultation, nay to the very choice of Conſulters; nay lower, even ſo much as to have a negative power, when a man of Inability, and of Ill Life is obtruded upon them. I proceed; for I would not *orare*, but *probare*; Look *verſ.* 23. they that were preſent had Voices; they who voiced the Canons, joined in the Decrees; and ſending the Decrees to *Antioch*, the words are, *All the Apoſtles, and Elders and Brethren ſend greeting to the Brethren which are in* Antioch, *&c.* Here the Brethren at *Jeruſalem* are (with the Apoſtles and the Elders) Actors in, and Authors of the Canons in this Council agreed; there is no Evaſion, no Eluſion to be had, unleſs you will prove, that all the Brethren in *Antioch*, to whom theſe Brethren in *Jeruſalem* did write, were only Clergy-men.

Which if you ſhould affirm, our Clergy will hardly be pleaſed with you; for they muſt then be of the Multitude, not a ſpecial Lot; for *Barnabas* and *Paul* did deliver this Epiſtle (being the Decrees of this Synod) to the Multitude, τὸ πλῆθος, as it is found in the 30 Verſe, *And when they had gathered the multitude together, they delivered the Epiſtle.*

Thus much in way of purſuit of this one Argument, That no Canons can bind the Laity, where we have no Voice of our own, nor Choice of the Clergy-perſons, who do found them, nor Aſſent in the ſuſception of them after they are framed; *Quod omnes tangit, ab omnibus tractari debet.*

Mr. *Speaker*, It remains as a Wiſh, That every Member of that Meeting, who voted theſe exorbitant Canons, ſhould come ſeverally to the Bar of the Parliament-Houſe, with a Canon-book in his hand; and there, unleſs he can anſwer his Catechiſm (as I call it) and ſhew what is the Name of their Meeting, and (unleſs he can manifeſt, that the Laity are no part of the Church) *conceptis verbis*, in ſuch expreſs terms as the Houſe ſhall think fit, to abhor his own ill-begotten Iſſue, or elſe be commanded to give fire to his own Canons.

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Mr. Nathanael Fines *his Speech,* Decemb. *the* 14*th.* 1640.

Mr. *Nathanael Fines* his Speech, *Decemb.* 14. 1640.

Mr. *Speaker,*

NOW that we are about to brand theſe *Canons* in reſpect of the Matter contained in them, it is the proper time to open the foulneſs thereof; and tho much of this hath been anticipated in the general Debate, yet if any thing hath been omitted, or any thing may be farther cleared in that kind, it is for the Service of the Houſe that it ſhould now be done.

Sir, I conceive theſe *Canons* do contain ſundry Matters, which are not only contrary to the Laws of the Land, but alſo Deſtructive of the very Principal and Fundamental Laws of this Kingdom. I ſhall begin with the firſt *Canon,* wherein the Framers of theſe *Canons* have aſſumed unto themſelves a Parliamentary Power, and that too in a very high degree; for they have taken upon them to define what is the Power of the King, what the Liberty of the Subject, and what Propriety he hath in his Goods; if this be not proper to a Parliament, I know not what is: Nay, it is the higheſt Matter that can fall under the conſideration of a Parliament, and ſuch a Point as wherein they would have walked with more tenderneſs and circumſpection than theſe bold Divines have done. And ſurely, as this was an Act of ſuch preſumption, as no Age can parallel; ſo it is of ſuch dangerous conſequence, as nothing can be more: for they do not only take upon them to determine Matters of this nature, but alſo, under great Penalties, forbid all Parſons, Vicars, Curates, Readers in Divinity, *&c.* to ſpeak any other way of them, than as they had Defined; by which means having ſeized upon all the Conduits whereby Knowledge is conveyed to the People, how eaſie would it be for them to Undermine the King's Prerogative, and to ſuppreſs the Subjects Liberty, or both?

And now, *Sir,* I beſeech you conſider how they have Defined this high and great Point: They have dealt with us in matter of Divinity, as the Judges had done before in matter of Law; they firſt took upon them to determine a matter, that belonged not to their Judicature, but only to the Parliament; and after by their Judgment they overthrew our Propriety: and juſt ſo have theſe Divines dealt with us; they tell us, That Kings are an Ordinance of God, of Divine Right, and founded in the prime Laws of Nature; from whence it will follow, That all other Forms of Government, as *Ariſtocracy* and *Democracy*, are wicked Forms of Government, contrary to the Ordinance of God, and prime Laws of Nature; which is ſuch new Divinity, as I never read in any Book, but this Book of *Canons.*

Mr. *Speaker,* We all know, That Kings, and States, and Judges, and all Magiſtrates, are the Ordinance of God; but, *Sir,* give me leave to ſay, They were the Ordinances of Men, before they were the Ordinances of God. I know I am upon a great and high Point, but I ſpeak by as great, and as high a Warrant, if St. *Peter's* Chair cannot err (as St. *Peter's* Epiſtles cannot) thus he teacheth us, *Submit your ſelves to every Ordinance of Man for the Lord's ſake, whether it be to the King, as ſupream, or to the Governour, as to him that is ſent by him,* &c.

Sir, It is worthy Noting, That they are Ordinances of Men, but that they are to be ſubmitted unto for the Lord's ſake; and truly one Power is as Juſt, and their Subjects Allegiance as due unto them, tho we ſuppoſe them to be firſt Ordinances of Men, and then Confirmed and Eſtabliſhed by God's Ordinance, as if we ſuppoſe them to be immediate Ordinances of God, and ſo received by Men. But there was ſomewhat in it, that theſe Divines aimed at, I ſuppoſe it was this; If Kings were of Divine Right, as the Office of a Paſtor in the Church; or founded in the prime Laws of Nature, as the power of a Father in a Family, then it would certainly follow, that they ſhould receive the faſhion and manner of their Government only from the Preſcript of God's Word, or of the Laws of Nature; and conſequently, if there be no Text, neither of the *Old,* nor *New-Teſtament,* nor yet any Law of Nature, That Kings may not make Laws without Parliaments, they may make Laws without Parliaments; and if neither in the Scripture, nor in the Law of Nature, Kings be forbidden to lay Taxes, or any kind of Impoſitions upon their People without conſent in Parliament, they may do it out of Parliament: And that this was their meaning, they expreſs it after in plain terms; for they ſay, That Subſidies and Taxes, and all manner of Aids are due unto Kings by the Law of God, and of Nature: *Sir,* if they be due by the Law of God, and of Nature,

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Another thing in this firſt *Canon*, wherein they have aſſumed unto themſelves a Parliamentary Power, is, in that they take upon them to Define what is Treaſon, beſides what is Determined in the Statute of Treaſon. They ſay, to ſet up any Coactive, Independent Power, is Treaſonable, both againſt God and the King. The Queſtion is not, Whether it be true, they ſay, or no; but whether they have power to ſay what is Treaſon, and what not? But now, *Sir*, that I am upon this Point, I would gladly know what kind of Power that is, which is exerciſed by Arch-Biſhops, Biſhops, Deans, Arch-Deacons, *&c.* Coactive certainly it is, all the Kingdom feels the Laſh thereof; and it muſt needs be Independent, if it be *Jure Divino*, as they hold it: for they do not mean by an Independent power, ſuch a power as doth not depend upon God. Beſides, if their power be dependent, upon whom is it dependent? Not on the King; for the Law acknowledgeth no way whereby Epiſcopal Juriſdiction can be derived from His Majeſty, but by his Commiſſion under the Great Seal, which (as I am informed) they have not. I ſpeak not of the High Commiſſion, but of the Juriſdiction which they Exerciſe in their Archiepiſcopal, Epiſcopal, Archidiaconal Courts, *&c.* and therefore, if their own Sentence be Juſt, we know what they are, and what they have pronounced againſt themſelves. But, *Sir*, it were worth knowing what they aim'd at in their Independent Coactive Power, which they term *Popular*. I will not take upon me to unfold their meaning, but we know Dr. *Beal* had a hand in the making of theſe *Canons*, and if we apply our Paraphraſe to the Text, it may give us ſome clearneſs. I remember, amongſt other Notes of his, this was one; That he did acknowledg the King's Supremacy, but would joyn unto him an Aſſiſtant, *viz.* the People; meaning this Houſe, which being the repreſentative Body of the Commons of *England*, and claiming, as it is ſo, a ſhare in the Legiſlative Power, Dr. *Beal* calleth this a joyning of an Aſſiſtant to the King, in whom ſolely he placeth the Power of making Laws, and that it is but of Grace, that he aſſumeth either the Lords or Commons for the making of Laws with him.

Now, *Sir*, the Legiſlative Power is the greateſt Power, and therefore Coactive; and it is the Higheſt Power, and therefore Independent; and if every State for the proportion it hath therein, ſhould have ſuch Power, it ſhould not have it of Right, as founded in the Fabrick and Frame of the Policy and Government, but of Grace, and by Commiſſion, as Dr. *Beal* affirmeth. I have done with the firſt *Canon*; only I ſhall add this, That conſidering the Principles and Poſitions that are laid down therein, and comparing them with a Clauſe towards the end of the *Canon*, that in no Caſe imaginable it is Lawful for Subjects to Defend themſelves; we may judge how far forth theſe *Canons* were to prepare Mens Minds for the Force that was to follow after, if the Accuſation againſt my Lord of *Strafford* be laid aright: For the Matter it ſelf, I hope there will never be any need to diſpu[te] Queſtion; and I do believe they had as little need to have publiſhed that [Po]wer had it not been upon Deſign.

As for the ſecond *Canon*, therein alſo they have aſſumed to themſelves a [Le]giſlative or *Parliamentary Power*, in taking upon them to appoint Holy-days; whereas the Statute [ha]th in expreſs words, That ſuch Days ſhall be only kept as Holy-days, as are [the]re in the Statute, and no other; and therefore, tho the thing may be *bonum*, [yet] it was not

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not done *benè*, becauſe not Ordained by Parliament. Notwithſtanding what hath been alledged to the contrary, it ſeemeth to me to be the appointing of an Holy-Day, to ſet a time apart for Divine Service; and to force Men, under penalties, to leave their Labours and Buſineſs, and to be preſent at it: And of the ſame nature is that other Clauſe in the ſame *Canon*, wherein they take upon them without Parliament to lay a Charge upon the people, Injoyning two Books, at leaſt, for that Day, to be bought at the Charge of the Pariſh; for by the ſame Right, that they may lay a Peny on the Pariſh without a Parliament, they may lay a Pound, or any greater Sum.

As to the third *Canon*, I ſhall paſs it over, only one Obſervation that my Neighbour of the Long Robe made upon it, ſeems unto me ſo good, as that it is worth the repeating: That whereas in the *Canon* againſt Sectaries there is an eſpecial *Proviſo*, That it ſhall not derogate from any Statute or Law made againſt them (as if their *Canons* had any power to Diſannul an Act of Parliament) there is no ſuch *Proviſo* in this Canon againſt *Papiſts*; from whence it may be probably conjectured, that they might have drawn ſome colour of Exemption from the penal Laws Eſtabliſhed againſt them, from this Canon; becauſe it might ſeem hard, that they ſhould be doubly puniſhed for the ſame thing; as we know in the point of abſence from the Church, the Law provideth, That if any Man be firſt puniſhed by the Ordinary, he ſhall not be puniſhed again by the Juſtice.

For the Fourth Canon againſt *Socinianiſm*, therein alſo the Canon-makers have aſſumed to themſelves a Parliamentary-power, in Determining an Hereſie, not Determined by Law, which is expreſly reſerved to the Determination in Parliament. It is true, they ſay it is a Complication of many Hereſies Condemned in the Four firſt Councils, but they do not ſay what thoſe Hereſies are; and it is not poſſible, that *Socinianiſm* ſhould be formally Condemned in theſe Councils: for it is ſprung up but of late; therefore they have taken upon them to determine and Damn an Hereſie, and that ſo generally, as that it may be of very dangerous conſequence, for Condemning *Socinianiſm* for an Hereſie, and not declaring what is *Socinianiſm*: It is left in their Breaſt whom they will judge and call a *Socinian*. I would not have any thing that I have ſaid, to be interpreted as if I had ſpoken in favour of *Socinianiſm*, which (if it be ſuch as I apprehend it to be) is indeed a moſt Vile and Damnable Hereſie; and therefore the Framers of the Canons are the more to blame in the next Canon againſt Sectaries, wherein, beſides that in the Preamble thereof, they lay it down for a certain Ground, which the Holy Synod knew full well, that other Sects (which they extend not only to *Browniſts* and Separatiſts, but alſo to all perſons, that, for the ſpace of a Month, do abſent themſelves, without a Reaſonable Cauſe, from their own Pariſh-Churches) do equally endeavour the Subverſion of the Diſcipline and Doctrine of the Church of *England* with the *Papiſts*, although the worſt of Men do not bear any proportion in that reſpect to the *Papiſts*: I ſay, beſides that, they make them equal in Crimes and Puniſhment to the *Papiſts*, notwithſtanding the great diſproportion of their Tenets.

There is another Paſſage in this Canon relative to that againſt *Socinianiſm*, which I ſhall eſpecially offer to your conſideration, and that is this; That if a Gentleman coming from beyond Seas, ſhould happen to bring over with him a Book contrary to the Diſcipline of the Church of *England*, or ſhould give ſuch a Book to his Friend; nay, if any Man ſhould abet, or maintain an Opinion contrary thereunto, tho it were but in Parliament, if he thought it fit to be altered, by this Canon he is Excommunicated *ipſo facto*, and lieth under the ſame conſideration, and is liable to the ſame puniſhment, as if he had maintained an Opinion againſt the Deity of Chriſt, and of the Holy-Ghoſt, and of our Juſtification by the Satisfaction of Chriſt.

Sir, If in things that are in their own nature indifferent; if in things Diſputable, it ſhall be as heinous to maintain and abet an Opinion, as in the moſt horrible and monſtrous Hereſie that can be imagined; What Liberty is left to us as Chriſtians? What Liberty is left to us as Men? I proceed to the Sixth Canon, wherein theſe Canoniſts have aſſumed to themſelves a Parliamentary Power, and that in a very high degree, in that they have taken upon them to Impoſe new Oaths upon the Subjects. *Sir*, Under favour of what hath been alledged to the contrary, to impoſe an Oath, if it be not an higher Power than to make a Law, it is a Power of making a Law of moſt high nature, and of higher and farther Conſequence than any other Law; and I ſhould much rather chuſe, that the Convocation ſhould have power to make Laws to bind Mens Perſons and Mens Eſtates,

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than that they ſhould have a power to make Oaths to bind Mens Conſciences: a Law binds no longer than till another Law be made to alter it; but my Oath binds me as long as I live.

Again; A Law binds either to Obedience, or to undergo the Penalty Inflicted by the Law; but my Oath binds me abſolutely to Obedience. And laſtly, a Law binds me no longer than I am in the Land, or at the fartheſt, no longer than I am a Member of the State wherein and whereby the Law is made; but my Oath, being once taken, doth bind me in all Places, and in all Conditions, as long as I live.

Thus much I thought good to ſpeak concerning the Power of Impoſing new Oaths. As to the Matter of the new Oath, it is wholly illegal; it is againſt the Law of this Land; it is againſt the Law and Light of Nature; it is againſt the Law of God; it is againſt the Law of this Kingdom, and that no obſcure Law, nor concerning any mean or petty Matters; it is againſt the Law of the King's Supremacy, in that it maketh Arch-Biſhops, Biſhops, Deans, Arch-Deacons, *&c.* to be *Jure Divino*; whereas the Law of this Land hath annexed to the Imperial Crown of this Realm, not only all Eccleſiaſtical Juriſdiction, but alſo all Superiority over the Epiſcopal State, and it is to be derived from him by Commiſſion under the Great Seal, and conſequently it is *Jure Humano*. Again, It is againſt the Oath of Supremacy, Eſtabliſhed by Law, pointblank; for therein I am Sworn, not only to Conſent unto, but alſo to Aſſiſt, and, to the utmoſt of my Power, to Defend all Juriſdictions, Prehemínencies, *&c.* annexed to the Imperial Crown of this Realm, of which this is one, (and that which immediately precedeth this Oath in the Statute, and whereunto it doth eſpecially relate) that His Majeſty may Exerciſe any Juriſdiction or Eccleſiaſtical Government by his Commiſſion under the Great Seal, directed to ſuch Perſons as he ſhall think meet; ſo that if he ſhall think other perſons more meet than Arch-Biſhops, Biſhops, *&c.* I am Sworn in the Oath of Supremacy, not only to Aſſent thereunto, but to Aſſiſt, and to the uttermoſt of my Power, to Defend ſuch an Appointment of His Majeſty; and in the new Oath, I Swear never to Conſent unto ſuch an Alteration.

In the like manner it is againſt the Law and Light of Nature, that a Man ſhould Swear, or Anſwer (*&c.*) to he knows not what: It is againſt the Law and Light of Nature, that a Man ſhould Swear never to Conſent to alter a thing, that in its own Nature is alterable, and may prove Inconvenient, and fit to be altered.

Laſtly, It is againſt the Law of God; for whereas there are Three Rules preſcribed to him that will Swear aright; that he Swear in Judgment, in Truth and Righteouſneſs; He that ſhall take this new Oath, muſt needs break all theſe Three Rules: he cannot Swear in Judgment, becauſe his Oath is ſo full of Ambiguities, that he cannot tell what he Swears unto; not to ſpeak of the Extravagant Ambiguity of the *&c.* there is ſcarce one word, that is not Ambiguous in the principal parts of the Oath. As firſt, what is meant by the Church of *England*, whether all the Chriſtians in *England*, or whether the Clergy only, or only the Arch-biſhops, Biſhops, Deans, *&c.* or whether the Convocation, or what? In like manner it is as doubtful what is meant by the Diſcipline, and what by the Doctrine of the Church of *England*; for what ſome call ſuperſtitious Innovations, others affirm to be conſonant to the Primitive, and that the pureſt Reformation, in the time of *Edw. 6.* and in the beginning of the Reign of Queen *Elizabeth*: And as for the Doctrine of the Church of *England*, if all the Poſitions that of later years have been challenged by ſome Divines to be *Arminian* and *Popiſh*, and contrary to the Articles of our Religion; and which, on the other ſide, have been Aſſerted and Maintained as conſonant to the Doctrine of our Church; and if the Articles of Religion were gathered together, they might make a pretty Volume: Nay, *Sancta Clara* will maintain, in deſpight of the *Puritan*, That the Doctrine of the Church of *Rome*, is the Doctrine of the Church of *England*. Truly, it were fit that we knew what were the Doctrine and Diſcipline of the Church of *England*, before we Swear to it: and then, Sir, give me leave to ſay, That I ſhould be very loath to ſwear to the Diſcipline, or to the Doctrine or Tenets of the Pureſt Church in the World, as they are collected by them, farther than they agree with the Holy Scriptures.

Laſtly, It is ſo doubtful what is meant by the Doctrine and Diſcipline Eſtabliſhed, and what by altering and conſenting to alter; whether that which is accepted or Eſtabliſhed by any Act of Parliament? or whether that alſo that is Eſtabliſhed by Canons, Injunctions, *&c.* and whether it ſhall not extend to that which is Publiſhed by our Divines with the Allowance of Authority; and ſo for conſenting to alter, whether it be only meant, that a man ſhall not be Active in altering, or whether it extends

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to any Conſent, and ſo that a man ſhall not ſubmit to it, nor accept of it, being altered by the State? 16 *Caroli.*

More Ambiguities might be ſhewn, but theſe are enough to make it clear, That he that ſhall take this Oath, cannot Swear in Judgment: Nor can he ſwear in Truth; for it is full of Untruths: It is not true, that Diſcipline is neceſſary to Salvation. It is not true, that Arch-Biſhops, Biſhops, Deans, Arch-Deacons, *&c.* are *Jure Divino*, as they muſt needs be, if the Law-makers ought of right to Eſtabliſh them, as they are Eſtabliſhed; for the Law-makers are not bound, as of right, to frame their Laws to any other than the Laws of God alone. Now whether the Biſhops be *Jure Divino*, we know it is a Diſpute among the Papiſts, and never did any Proteſtant hold it, till of late years; but that Arch-Biſhops, Deans, Arch-Deacons, *&c.* ſhould be *Jure Divino*, I do not know that ever any Chriſtian held it before; and yet he that taketh this Oath muſt ſwear it.

Laſtly, As he that taketh this Oath cannot ſwear in Judgment, nor in Truth, ſo neither can he ſwear in Righteouſneſs; for it is full of Unrighteouſneſs, being indeed (as hath been well opened) a Covenant in effect againſt the King and Kingdom: For if the whole State ſhould find it neceſſary to alter the Government by Arch-biſhops, Biſhops, a great part of the Kingdom, eſpecially of the Gentry, (for not only the Clergy, but all that take Degrees in the Univerſity are bound to take it) will be præ-engaged not to Conſent to it, or admit of it. Again, It is a great wrong to thoſe that ſhall be Parliament-men, that their Freedom ſhall be taken away, being bound up by an Oath, not to Conſent to the altering of a thing, which it may be fit, and proper for a Parliament to alter; and ſuppoſe that for the preſent it be no hinderance to the Service of God, nor yet burthenſom to the King and Kingdom, yet if it ſhould prove ſo hereafter, for a Man to be bound by an Oath never to Conſent to alter it, may be a great wrong to God in his Service, and to the King and Kingdom in their Peace and Welfare; and therefore this Oath cannot be taken in Righteouſneſs.

For the other Oath, *De Parendo Juri Eccleſiæ, & ſtando Mandatis Eccleſiæ*, tho it makes leſs Noiſe than the other, yet it is not of leſs dangerous conſequence. If I remember well the Story, this was the Oath, that the Pope made King *John* to take, and when he had ſworn *ſtare Mandatis Eccleſiæ*, the Pope Commanded him to Reſign his Kingdom to him: And truly be he Gentleman, or Nobleman, or whatever elſe, when he hath once put his Neck into this Nooſe, his Ghoſtly Fathers may drag him whether they will; for they have the quantity and the quality of the Penance in their own breaſt; and if they ſhall enjoyn him to give any Sum towards the Building of a Church, or the Adorning of a Chappel, he muſt pay it; or if they ſhould injoyn him any ſervile, baſe Action, (as there are not wanting Examples of that kind in the time of Popery) they are ſworn *Stare Mandatis Eccleſiæ*, and ſo cannot recede, but muſt perform it: Nay, I dare not warrant any Man from the Rods of *Henry* the Second, or of *Raymond* of *Tholouze*. What hath been done, may be done, I am ſure the Power is the ſame. And that other Oath alſo (tho more uſually in practice, and more confirmed by theſe new Canons) which is Adminiſtred to Church-wardens, would be looked into; for it is hardly poſſible for them that take it, not to be forſworn, being they ſwear to ſo many particulars, that they cannot mind, and to ſome that they cannot underſtand; as how many Church-wardens are there in *England* that underſtand what *Socinianiſm* is, in caſe they be ſworn to preſent the Offenders againſt that Canon which concerns that Matter? I ſhall only add a word or two concerning two Canons more, which ſeem to be Canons of Reformation.

The firſt is concerning Excommunication to be pronounced only by a Divine, wherein it is alledged for the Framers of theſe Canons, That if they have not more Law on their ſides, yet they may ſeem to have more Reaſon. For my part, as in all other things, I think they have ſo mended the matter, that they have made it far worſe; for before, that which was found fault with was this; That a Lay-man did that, which the Grave Divine ſhould have done; and now the Grave Divine muſt do whatever the Lay-man would have done: For the cognizance of the Cauſe, and the Power of Judicature is wholly in the Lay-man; only the Grave Divine is to be his Servant, to Execute his Sentences, and hath ſuch a kind of managing the Spiritual Sword allowed only to him, as the Papiſts, in ſome Caſes were wont to afford unto the Civil Magiſtrate, in reſpect of the Temporal Sword: For as if the Civil Sword by an Implicit Faith had been pinned to the Lawn-ſleeves, they Condemned men of Hereſie, and then deliver'd them over to the Secular Power: But what

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what to do? Not to have any Cognizance of the Cauſe, nor to Exerciſe any Power of Judicature, but only to be their Executioners, and to burn the Hereticks whom they had Condemned; and ſo they Judged Men Excommunicate, and then the Civil Power was to ſend out Writs *de Excommunicato Capiendo* againſt them: But one ſaid well, That the Sword, without Cognizance of the Cauſe of Judgment, was like *Polyphemus* without his Eye, it became Violence and Fury; but being accompanied with the Eye of Judgment, it is Equity and Juſtice: and ſurely, where the Spiritual or Civil Governour is called upon to ſtrike, he muſt be allowed to ſee, and judge whom, and where he ſtrikes; otherwiſe he will be able to give but an ill accompt to God of the Managing of the Sword wherewith he is intruſted.

The other Canon is the laſt Canon, againſt Vexatious Citations, wherein they ſeem to have ſenſe of the great Grievances that poor People lye under, by occaſion of Vexatious Citations and Moleſtations in Eccleſiaſtical Courts; and I verily believe, that there is not a greater Oppreſſion in the whole Kingdom upon the poorer ſort of people, than that which proceedeth out of theſe Courts. But now, Sir, let us ſee what proviſion they have made againſt it by this Canon.

They ſay, becauſe great Grievances may fall upon People by Citations, upon pretence only of the breach of that Law, without any Preſentment or any other juſt Ground; that no Citations grounded only as aforeſaid, ſhall iſſue out, except it be under the Hand and Seal of the Chancellor, Commiſſary, Arch-Deacon, or other Competent Judge: ſo that (if there be any ſenſe in theſe words) tho there be no Preſentment at all, nor any other juſt Ground, yet a Citation may iſſue out, ſo it be under the Hand and Seal of the Chancellor, Commiſſary, or other Competent Judge; and the Party ſhall not be Diſcharged without Paying his Fees, nor have any Relief by this Canon. But ſuppoſe the Citation be not under the Hand and Seal of any Competent Judges, and that there was neither Preſentment nor any juſt ground for it, ſhall he then be diſmiſſed without paying any Fees? No, unleſs firſt, contrary to the Laws of Nature, there being no Preſentment, nor juſt ground of Accuſation againſt him, he ſhall by his Oath purge himſelf of pretended Breaches of Law, and then too he ſhall only have the Fees of the Court remitted, but ſhall have no ſatisfaction for his Troubleſome and Chargeable Journeys, and for the loſs of his Time, and being drawn away from his Affairs: Nay, leſt they ſhould ſeem to have been too liberal of their favour, they add a *Proviſo* in the Clauſe of the Canon, That this Grace of theirs ſhall not extend to any Grievous Crime, as Schiſm, Incontinency, Misbehaviour in the Church, or Obſtinate Inconformity. And what do they call Misbehaviour in the Church? If a man do not kneel at the Confeſſion, or have his Hat on when the Leſſons are reading. In like manner, What do they call *Obſtinate Inconformity?* If a man will not think what they would have him think; if a man will not ſay what they would have him ſay; if a man will not ſwear what they would have him ſwear; if a man will not read what they would have him read; if a man will not Preach what they would have him Preach; if a man will not Pray what they would have him Pray. In ſhort, If a man will not do whatever they would have him do, then he is an Inconformiſt: And after that they have duly Admoniſhed him *primò*, *ſecundò*, *tertiò*, all in one breath, then he is Contumacious, then he is an Obſtinate Inconformiſt.

Now, Sir, my humble motion is, That in conſideration of all the premiſes, and what beſides hath been well laid open by others, we ſhould proceed to damn theſe Canons, not only as contrary to the Laws of *England*, but alſo as containing ſundry matters deſtructive of the Rights of Parliament, of the Fundamental, and other principal Laws of this Kingdom, and otherways of very dangerous conſequence.

Sir

16 *Caroli.*

Sir *Benjamin Rudyard's* SPEECH about the Canons.

Mr. *Speaker*,

Sir Benj. Rudyard's Speech, Dec. 15. 1640.

A Man may eaſily ſee to what tend all theſe Innovations and Alterations in Doctrine and Diſcipline, and without a Proſpective diſcover a far off the toilſomneſs of theſe ſpiritual Engineers, to undermine the old and true Foundations of Religion, and to Eſtabliſh their tottering Hierarchy in room thereof, which, leſt it ſhould not hold, being built with untempered Mortar, you ſee how careful they are by a vaſt Oath to force mens Conſciences not to alter their Government Archiepiſcopal, *&c.*

Mr. *Speaker*, The thoughts of the Righteous are right, but the Councils of the Wicked are deceit, and nothing elſe in their hearts but deſtruction and devaſtation; but to the Councellors of peace is joy; as long as they kept themſelves within the circuit of ſpiritual Commerce, and ſtudied to keep mens hearts upright to God, and his truth, there was no ſuch complaining in our Streets of them, nor had we ever ſeen ſo many thouſands againſt them, as now there are come in: and no marvel, tho God withdrew ſo many hearts and hands from them, who have turned ſo many out of the way of truth, *via tuta* they have ſtopt up, but *via devia* they have enlarged, and left open, as appears by their crooked Canons.

Mr. *Speaker*, I ſhall not go about to overthrow their Government in the Plural, but to limit and qualify it in ſome Particulars; for as Sir *Francis Bacon* long ſince well obſerv'd, there were two things in the Government of Biſhops, of which he could never be ſatisfied; no more am I. The firſt was the ſole Exerciſe of their Authority: And ſecondly, The Deputation of that Authority. But Mr. *Speaker*, I ſhall not now diſpute of either; for my own part, I love ſome of them ſo well, and am ſo charitable to the reſt, that I wiſh rather their Reformation, than their Ruin: but let me tell you withal, That if we ſhall find among them any Proud *Becket*, or *Woolſey*-Prelates, who ſtick not to write, *Ego & Rex meus*; or if there ſhall be found any *Bonners*, *&c.* ſuch, I profeſs, I would not ſpare, for they will ſpare none: but if in the counterbalance there may be found but one good *Cranmer*, or one good *Latimer* or *Ridley*, I would eſteem and prize them (as rich Jewels) fit to be ſet in the King's own Cabinet: for ſuch, I am ſure, will pray for the Peace of *Jeruſalem*, and for the Peace of King *Charles*, and his Three Kingdoms, which God long preſerve in Concord and Unity. But, Mr. *Speaker*, we muſt alſo be Actors in the preſervation of Religious Concordance, which will never be ſafe nor well at quiet, until theſe heavy, droſſy Canons, with all their baſe Metal, be melted and diſſolved: Let us then diſmount them, and deſtroy them, which is my humble Motion.

Ordered to morrow at Nine of the Clock to take into further conſideration theſe Particular Canons in reſpect of their Matter.

Pool's Sub-Committee.

The Sub-Committee for Mr. *Pool's* buſineſs is made a Select Committee from this Houſe, with the addition of Sir *Gilbert Gerrard*, Mr. *Stevens*, Mr. *Dutton*, Mr. *Young*, Mr. *Paul Wheeler*, and with power to aſſign and hear Councel, and to receive all Petitions that may have relation to this buſineſs.

The whole matter concerning Mr. *John George*, a Member of this Houſe, is recommitted to the ſame Committee formerly appointed to examine the Complaint exhibited againſt the ſaid Mr. *George*, with power to ſend for the Patents of Conſervacy, and the Patent for Amerciaments, and are to deliver their Opinions to the Houſe upon the whole matter: And they are likewiſe to take into conſideration all Patents and Commiſſions whatſoever concerning the pretended Conſervacy of Waters; And are to meet to morrow in the Afternoon at Two of the Clock in the Exchequer Court.

Reſolved upon the Queſtion,

Sir *Edward Biſhop*.

That the Election of Sir *Edward Biſhop* for one of the Burgeſſes for the Burrough of *Bramber* in *Suſſex*, is void.

That

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That Sir *Edward Biſhop* is uncapable of any Election to be a Member of this Houſe for this Parliament.

Ordered, A Warrant to iſſue forth under Mr. *Speaker*'s hand directed to the Clerk of the Crown, for a new Writ for a new Election of a Burgeſs to ſerve in this preſent Parliament, for the ſaid Town of *Bramber*.

Bramſton.

Ordered, That *John Bramſton* for his Abuſes in his Anſwer to the Committee for Privileges, be forthwith ſent for as a Delinquent by the Serjeant at Arms attending on this Houſe.

Malleverer and *Moyſer.*

The Petition of Mr. *Malleverer*, and Mr. *Moyſer*, complaining of grievance in the caſe of Knigthood-money, is referred to the Committee that is appointed to prepare the Charge againſt the Lord Keeper and the Judges.

City and Subſidies.

The Burgeſſes of *London* are intreated to acquaint the City from this Houſe, *That this Houſe does intend with all the ſpeed and care they can, the Expedition of the Bill of Subſidies.*

A Meſſage from the Lords by the Two Lord Chief Juſtices.

Meſſage touching the Treaty with the *Scots.*

THE *Lords do deſire a Conference preſently in the* Painted Chamber, *if it may ſtand with the Conveniency of this Houſe, by a Committee of both Houſes touching the Treaty of the Weighty Affairs with the* Scots.

Anſwer returned by the ſame Meſſengers,

That this Houſe has taken into Conſideration the Meſſage from the Lords, and they are now in the Debate of a great Buſineſs, and will ſend anſwer by Meſſengers of their own in convenient time.

The Debate about the Canons having been reaſſumed,

Reſolved upon the Queſtion, Nemine Contradicente,

Votes concerning the Convocation and Synod, *Nemine Contradicente.*

That the Clergy of *England* convened in a Convocation or Synod, or otherwiſe, have no power to make any Conſtitutions, Canons, or Act whatſoever in matter of Doctrine, Diſcipline, or otherwiſe, to bind the Clergy, or the Laity of the Land, without common Conſent in Parliament.

Reſolved upon the Queſtion, Nemine Contradicente,

Reſolutions that the Canons are Illegal.

That the Canons and Conſtitutions Eccleſiaſtical, treated upon by the Archbiſhops of *Canterbury* and *York*, Preſidents of the Convocations for the reſpective Provinces of *Canterbury* and *York*, and the reſt of the Biſhops, and Clergy of theſe Provinces, and agreed upon with the King's Majeſty's Licenſe in their ſeveral Synods began at *London* and *York* in the Year 1640. do contain in them Matters contrary to the King's Prerogative, to the fundamental Laws and Statutes of the Realm, to the Rights of Parliament, to the Property and Liberty of the Subjects, and Matters tending to Sedition, and of dangerous Conſequence.

Reſolved upon the Queſtion, Nemine Contradicente.

That the ſeveral Grants of the Benevolence or Contribution granted to his Moſt Excellent Majeſty by the Clergy of the Provinces of *Canterbury* and *York*, in the ſeveral Convocations or Synods holden at *London* and *York*, *Anno Dom.* 1640. are contrary to the Laws, and ought not to bind the Clergy.

Mr. *Pym*,

16 *Caroli.*

Committee to prepare the Votes of the Commons, *&c.* for a Charge againſt the Archbiſhop of *Canterbury.*

Mr. *Pym*,
Mr. *Hollis*,
Sir *Francis Seymour*,
Sir *Walter Earle*,
Sir *John Hotham*,
Sir *Guy Palmes*,
Sir *Edw. Hungerford*,
Mr. *Bagſhaw*,
Sir *Henry Anderſon*,
Mr. *Glyn*,
Mr. *Grimſton*,
Sir *Miles Fleetwood*,
Sir *John Strangeways*,
Mr. *Hambden*,
Mr. *Nath. Fines*,
Sir *Edw. Deering*,
Sir *Tho. Barrington*,
Sir *Robert Harley*,
Mr. *Young*,
Mr. *Arthur Goodwin*,
Mr. *Strangeways*,
Sir *William Litton*,
Sir *Gilbert Gerrard*,
Sir *Hugh Cholmley*,
Sir *Oliver Luke*,
Mr. *Perd*,
Sir *Robert Howard*,
Mr. *Coke*,
Mr. *White*,
Mr. *Rigby*,
Sir *Tho Widdrington*,
Mr. *Palmer*,
Mr. *Maynard*,
Mr. *Whiſtler*,
Mr. *Pelham*,
Mr. *St. Johns*,
Mr. *Rogers*,
Mr. *Whitlock*,
Mr. *Weſton*.

This Committee is to prepare the ſeveral Votes concerning the New Canons, and to make them ready for this Houſe, to preſent the ſame to the Lords, and to conſider and examine who were the Promoters of thoſe New Canons, and who the Principal Actors, and what Execution has been made upon them, and by whom; and to conſider how far in particular the Lord Archbiſhop of *Canterbury* hath been an Actor in the great Deſign of the Subverſion of the Laws of the Realm, and of the Religion, and to prepare and draw up a Charge againſt him, and ſuch others as ſhall appear Offenders in theſe Particulars; and have power to ſend for Parties, Witneſſes, Papers, Books, Records, and to do any other Act which they in their Judgments ſhall think fit to conduce to this Buſineſs, and to meet this Afternoon at Four of the Clock in the *Star-Chamber*.

The ſame day the *Scots* Commiſſioners accuſed the ſaid Archbiſhop, and next Morning brought in a Complaint in Writing againſt him, which was read by the Lord *Paget*, and after that reported to the Commons-houſe as followeth.

The Charge of the Scotiſh *Commiſſioners againſt the Prelate of* Canterbury. *Exhibited to the Lords Houſe*, Dec. 17. 1640.

Scots Charge againſt the Archbiſhop.

NOvations in Religions, which are univerſally acknowledged to be the main cauſe of Commotions in Kingdoms and States, and are known to be the true cauſe of our preſent Troubles, were many and great, beſides the Book of Ordination, and Homilies.

1. Some Particular *Alterations* in Matters of Religion, preſſed upon us *without Order*, and *againſt Law*, contrary to the Form Eſtabliſhed in our *Kirk*.
2. A new Book of *Canons and Conſtitutions* Eccleſiaſtical.
3. A *Liturgy*, *or Book of Common Prayer*, which did alſo carry with them many Dangerous *Errors* in matters of *Doctrine*. Of all which we challenge the Prelate of *Canterbury* to be the *Prime Cauſe* on Earth.

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And firſt, That this Prelate was the Author and Urger of ſome Particular Changes, which made great diſturbance amongſt us, we make manifeſt,

1. By *Fourteen* Letters ſubſcribed, *W. Cant.* in the ſpace of two years, to one of our pretended Biſhops, *Bannatine*, wherein he often enjoineth him, and other Pretended Biſhops, to appear in the Chappel in their *Whites*, contrary to the Cuſtom of our *Kirk*, and to his own Promiſe made to the Pretended Biſhop of *Edenburgh*, at the Coronation, That none of them after that time, ſhould be preſſed to wear theſe Garments, thereby moving him againſt his will to put them on for that time; wherein he directed him to give order for ſaying the *Engliſh* Service in the Chappel twice a day; for his neglect, ſhewing him that he was diſappointed of the Biſhoprick of *Edenburgh*; promiſing him upon his greater care of theſe Novations, Advancement to a better Biſhoprick; taxing him for his boldneſs in preaching the ſound Doctrine of the Reformed *Kirks* againſt Mr. *Michel*, who had taught the Errors of *Arminius*, in the point of the *Extent of the Mercy of Chriſt*; bidding him ſend up a Liſt of the Names of Councellors and Senators of the College of Juſtice, who did not communicate in the Chappel in a Form which was not received in our *Kirk*; commending him when he found him obſequious to theſe his Commands; telling him that he had moved the King the ſecond time for the Puniſhment of ſuch as had not received in the Chappel: and wherein he upbraided him bitterly, that in his firſt Synod at *Aberdeen*, he had only *diſputed* againſt our Cuſtome of *Scotland*, of *faſting ſometimes on the Lord's day*, and preſumptuouſly cenſuring our *Kirk*, that *in this* we were oppoſite to *Chriſtianity* it ſelf; and that amongſt us there were no *Canons* at all: More of this ſtuff may be ſeen in the Letters themſelves.

Secondly, By two Papers of *Memoirs* and *Inſtructions* from the Pretended Biſhop of Saint *Andrews*, to the Pretended Biſhop of *Roſſe*, coming to this Prelate for ordering the Affairs of the *Kirk*, and Kingdom of *Scotland*, as not only to obtain Warrants to order the Exchequer, the Privy Council, the Great Commiſſion of Surrenders, the matter of *Balmerino*'s Proceſs, as might pleaſe our Prelates, but Warrants alſo for ſitting of the High Commiſſion-Court once a week in *Edenburgh*; and to gain from the Noblemen, for the benefit of Prelates and their Adherents, the Abbacies of *Kelſo*, *Arbroith*, St. *Andrews*, and *Lindors*: And in the ſmalleſt matters to receive his Commands; As for taking down *Galleries*, and *Stone-walls*, in the Kirks of *Edenburgh*, and S. *Andrews*, for no other end, but to make way for *Altars*, and *Adoration* towards the *Eaſt*, which beſides other Evils, made no ſmall noiſe and diſturbance amongſt the People, deprived hereby of their ordinary Accommodation for Publick Worſhip.

The Second Novation which troubled our Peace, was a Book of *Canons* and *Conſtitutions* Eccleſiaſtical, obtruded upon our Kirk, found by our General Aſſembly to be deviſed for Eſtabliſhing a Tyrannical Power in the Perſons of our *Prelates*, over the Worſhip of God, over the Conſciences, Liberties and Goods of the People; and for Aboliſhing the whole Diſcipline and Government of our Kirk by *General* and *Provincial* Aſſemblies, *Presbyteries*, and *Kirk-ſeſſions*, which was ſetled by Law, and in continual Practice ſince the time of *Reformation*; That *Canterbury*, was Maſter of this Work, is manifeſt by a Book of Canons ſent to him, written upon the one ſide only, with the other ſide blank, for Corrections, Additions, and putting all in better order, at his pleaſure; which accordingly was done, as may appear by *Interlinings*, *Marginals*, and filling up of the *Blank* Page with Directions ſent to our Prelates; and that it was done by no other than *Canterbury*, is evident by his Magiſterial way of preſcribing, and by a new Copy of theſe Canons, all written with St. *Andrew*'s own hand, preciſely to a letter, according to the former Caſtigations, ſent back for procuring the King's Warrant unto it, which accordingly was obtained, but with an Addition of ſome other Canons, and a Paper of ſome other Corrections: According to which the Book of Canons thus compoſed, was publiſhed in Print; the Inſpection of the Books, Inſtructions, and his Letters of *Joy*, for the ſucceſs of the Work, and of other Letters of the Prelate of *London*, and the Lord *Sterling*, to the ſame purpoſe, all which we are ready to exhibit, will put the matter out of all debate.

Beſides this general, there be ſome things more ſpecial, worthy to be adverted unto, for diſcovering his Spirit. As 1. The 4th Canon of Cap. 8. *Foraſmuch as no Reformation in Doctrine, or Diſcipline, can be made perfect at once in any Church; therefore it ſhall, and may be lawful for the Church of* Scotland *at any time to make Remonſtrance to His Majeſty, or His Succeſſors*, &c. Becauſe this *Canon* holdeth the Door open to more Innovations, he writeth to the Prelate of *Roſſe*, his Privy Agent in all this Work, of his great gladneſs, that this Canon did ſtand *behind the Curtain*; and his great

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great deſire, that this Canon might be printed *fully*, as one that was to be moſt uſeful. Secondly, The Title prefixed to theſe Canons by our Prelates, *Canons to be agreed upon to be proponed to the ſeveral Synods of the Kirk of* Scotland; is thus changed by *Canterbury*, *Canons and Conſtitutions Eccleſiaſtical*, &c. *Ordained to be obſerved by the Clergy.* He will not have Canons to come from the Authority of *Synods*, but from the Power of *Prelates*, or from the King's *Prerogative.* Thirdly, the formidable Canon, *Cap.* 1: 3. threatning no leſs than *Excommunication* againſt ſuch perſons whoſoever ſhall open their mouths againſt any of theſe Books, proceeded not from our Prelates, nor is to be found in the Copy ſent from them, but is a *Thunderbolt* forged in *Canterbury*'s own Fire. 4. Our Prelates in divers places witneſs their diſlike of *Papiſts.* A Miniſter ſhall be depoſed, if he ſhall be found *Negligent to Convert Papiſts*, chap. 18. 15. The *Adoration of the Bread is a Superſtition to be Condemned*, cap. 6. 6. They call the Abſolute Neceſſity of Baptiſm, *An Error of Popery*, cap 6. 2. But in *Canterbury*'s Edition, the Name of *Papiſts* and *Popery*, is not ſo much as mentioned. 5. Our Prelates have not the Boldneſs to trouble us in their Canons with *Altars*, *Fonts*, *Chancels*, *Reading* of a long Liturgy before Sermon, *&c.* But *Canterbury* is punctual and peremptory in all theſe. 6. Although the words of the Tenth Canon, *chap.* 3. be fair, yet the wicked Intentions of *Canterbury* and *Reſſe*, may be ſeen in the point of *Juſtification* of a ſinner before God, by comparing the Canon as it came from our Prelates, and as it was returned from *Canterbury*, and Printed: Our Prelates ſay thus; *It is manifeſt, that the Superſtition of former Ages hath turned into a great Profaneneſs, and that people are grown cold for the moſt part in doing any good, thinking there is no place to Good Works, becauſe they are excluded from Juſtification: Therefore ſhall all Miniſters, as their Text giveth occaſion, urge the Neceſſity of Good Works, as they would be ſaved; and remember that they are* Via Regni, *the way to the Kingdom of Heaven, but not* Cauſa Regnandi, *howbeit they be not the Cauſe of Salvation.* Here *Reſs* giveth his Judgment, *That he would have this Canon ſimply commanding Good Works, to be preached, and no mention made what place they have, or have not, in Juſtification.* Upon this motion ſo agreeable to *Canterbury*'s mind, the Canon is ſet down as it ſtandeth without the diſtinction of *Via Regni*, or *Cauſa Regnandi*, or any word ſounding that way, urging only the Neceſſity of Good Works. 7. By comparing *Can.* 5. *chap.* 18. as it was ſent in writing from our Prelates, and as it is printed at *Canterbury*'s Command, may be alſo manifeſt, that he went about to eſtabliſh *Auricular Confeſſion*, and Popiſh *Abſolution.* 8. Our Prelates were not acquainted with Canons for inflicting of *Arbitrary Penalties*: But in *Canterbury*'s Book, whereſoever there is no Penalty expreſly ſet down, it is provided, That it ſhall be *Arbitrary*, as the *Ordinary* ſhall think fitteſt. By theſe and many other the like, it is apparent, what Tyrannical Power he went about to eſtabliſh in the hands of our Prelates, over the Worſhip and the Souls and Goods of men, overturning from the foundation the whole Order of our Kirk; what Seeds of *Popery* he did ſow in our Kirk, and how large an Entry he did make for the Groſſeſt Novations afterwards, which hath been a main Cauſe of all their Combuſtion.

The Third and Great Novation was *The Book of Common-Prayer*, Adminiſtration of the Sacraments, and other parts of Divine Worſhip, brought in without Warrant from our Kirk, to be univerſally Received, as the *only* Form of Divine Service, under all higheſt Pains both Civil and Eccleſiaſtical; which is found by our National Aſſembly, (beſides the Popiſh Frame and Forms in Divine Worſhip), to contain many Popiſh Errors and Ceremonies, and the Seeds of manifold and groſs Superſtitions and Idolatries, and to be repugnant to the Doctrine, Diſcipline, and Order of our *Reformation*, to the *Confeſſion of Faith*, Conſtitutions of General Aſſemblies, and Acts of Parliament, eſtabliſhing the true Religion; that this alſo was *Canterbury*'s work, we make manifeſt.

By the *Memoirs* and Inſtructions ſent unto him from our Prelates; wherein they gave a ſpecial Account of the Diligence they had uſed, to do all which herein they were enjoined, by the Approbation of the *Service-Book* ſent to them; and of all the Marginal Corrections wherein it varieth from the *Engliſh Book*, ſhewing their deſire to have ſome few things changed in it; which notwithſtanding, was not granted: This we find written by St. *Andrews* own hand, and ſubſcribed by him, and nine other of our Prelates.

By *Canterbury*'s own Letters, witneſſes of his Joy, when the Book was ready for the Preſs; of his Prayers that God would ſpeed the Work, of his hope to ſee that Service ſet up in *Scotland*; of his diligence to ſend for the *Printer*, and directing him to prepare a *Black Letter*, and to ſend it to his Servants at *Edinburgh*, for Print-

An. 1640. ing this Book; of his Approbation of the Proofs ſent from the Preſs; of his fear of Delay, in bringing the work ſpeedily to an End, for the great Good (not of *That* Church, but) of *The Church*; of his Encouraging *Roſſe*, who was intruſted with the Preſs, to go on in this piece of Service without fear of Enemies: All which may be ſeen in the *Autographs*, and by Letters ſent from the Prelate of *London* to *Roſſe*, wherein as he rejoiceth at the ſight of the *Scotiſh Canons*, which altho it ſhould make ſome noiſe at the beginning, yet they would be more for the Good of the Kirk, than the Canons of *Edinburgh* for the good of the Kingdom: So concerning the *Liturgy* he ſheweth, That *Roſs* had ſent to him to have an Explanation from *Canterbury*, of ſome Paſſages of the Service-Book, and that the Preſs behoved to *ſtand* till the Explanation come to *Edenburgh*, which therefore he had in haſte obtained from his Grace, and ſent the Diſpatch away by *Canterbury*'s own Conveyance.

But the *Book it ſelf*, as it ſtandeth Inter-lined, Margin'd, and Patcht-up, is much more than all that is expreſſed in his Letters, and the Changes and Supplements themſelves, taken from the *Miſs-Book*, and other *Romiſh Rituals*, by which he maketh it to vary from the Book of *England*, are more pregnant Teſtimonies of his Popiſh Spirit and Wicked Intentions, which he would have put in Execution upon us, than can be denied. The *Large Declaration* profeſſeth, That all the Variation of our Book from the Book of *England*, that ever the King underſtood, was in ſuch things as the *Scotiſh* Humours would *better* comply with, than with that which ſtood in the *Engliſh Service*. Theſe Popiſh Innovations therefore have been ſurreptitiouſly inſerted by him, *without the King's Knowledge*, and againſt his Purpoſe. Our *Scotiſh* Prelates do petition, That ſomewhat may be Abated of the *Engliſh* Ceremonies, as the *Croſs* in Baptiſm, the *Ring* in Marriage, and ſome other things. But *Canterbury* will not *only* have theſe kept, but a great many *more*, and *worſe*, ſuperadded; which was nothing elſe but the adding of Fuel to the Fire. To expreſs and diſcover all, would require a whole Book; we ſhall only touch ſome few in the matter of the *Communion*.

This Book inverteth the Order of the Communion in the *Book of England*, as may be ſeen by the Numbers, ſetting down the Orders of this New Communion, 1. 5. 2. 6. 7. 3. 4. 8. 9. 10. 15. Of the divers *ſecret* Reaſons of this Change, we mention one only, In joining the Spiritual Praiſe and Thankſgiving, (which is in the Book of *England*, pertinently after the Communion) with the Prayer of *Conſecration* before the Communion, and that under the Name of Memorial, or *Oblation*, for no other end, but that the Memorial and Sacrifice of Praiſe, mentioned in it, may be underſtood according to the Popiſh meaning. *Bellarmin de Miſſa. Lib.* 2. *Cap.* 21. Not of the *Spiritual Sacrifice*, but of the *Oblation* of the Body of the Lord.

It ſeemeth to be no great matter, that without Warrant of the Book of *England*, the Presbyter going from the *North End* of the Table, ſhall ſtand during the time of Conſecration, at ſuch a part of the Table, where he may with the more Eaſe and Decency *Uſe both Hands*; yet being tryed, it importeth *much*, as, that he muſt ſtand with his *hinder parts to the People*, repreſenting (ſaith *Durand*), that which the Lord ſaid of *Moſes*, *Thou ſhalt ſee my hinder Parts*; he muſt have the uſe of *both his Hands*, not for any thing he hath to do about the Bread and Wine; for that muſt be done at the *North-end* of the Table, and be better *ſeen* of the People; but (as we are taught by the *Rationaliſts*) that he may be *ſtretching forth his Arms*, to Repreſent the *Extenſion of Chriſt* on the Croſs; and that he may the more conveniently *lift up the Bread and the Wine above his head*, to be ſeen and Adored of the People. Who in the Rubrick of the General Confeſſion, a little before, are directed to *Kneel humbly on their Knees*, that the Prieſts *Elevation* ſo magnified in the Maſs, and the Peoples Adoration may go together; That in this poſture, ſpeaking with a low Voice and Muttering (for ſometimes he is Commanded to ſpeak with a loud Voice and Diſtinctly;) he be not heard by the People, which is no leſs a mocking of God and his People, than if the Words were ſpoken in an *Unknown* Language. As there is no word of all this in the *Engliſh* Service; ſo doth the Book in King *Edward*'s time, give to every Presbyter his Libetty of *Geſture*, which yet gave ſuch Offence to *Bucer*, the Cenſurer of the Book: And even in *Caſſanders* own Judgment, a man of great Moderation in matters of this kind, that he calleth them, *Nunquam ſatis Execrandos Miſſæ geſtus*, and would have them to be Abhorred, becauſe they confirm to the Simple and Superſtitious *ter Impiam & Exitialem Miſſæ fiduciam*. The Corporeal preſence of Chriſt's Body in the Sacrament, is alſo to be found here: For the words of the Maſs-Book ſerving to this purpoſe, which are ſharply conſidered by

by *Bucer* in King *Edward*'s Liturgy, and are not to be found in the Book of *England*, are taken in here: Almighty God is incalled, That of his Almighty Goodneſs he may vouchſafe ſo to Bleſs and Sanctifie with his Word and Spirit, theſe Gifts of Bread and Wine, That *they may be unto us the Body and Blood of Christ*. *An.* 1640.

The Change here is made a work of *God's Omnipotency*: The words of the Maſs *ut fiant Nobis*, are Tranſlated in King *Edward*'s Book, *That they may be unto us*; which are again turned into Latin by *Aleſius*, *ut fiant Nobis*. On the other part, the expreſſions of the Book of *England*, at the delivery of the Elements of *feeding on Chriſt by Faith*, and of Eating and Drinking *in Remembrance* that Chriſt Died for thee, are utterly deleted. Many evidences there be in this part of the Communion of the *Bodily* Preſence of Chriſt, very agreeable to the Doctrines taught by his Secretaries, which this Paper cannot contain. They teach us that Chriſt is Received in the Sacrament *Corporaliter*, both *Objectivè* and *Subjectivè*. *Corpus Chriſti eſt objectum quod Recipitur, & Corpus noſtrum Subjectum quo Recipitur.*

The Book of *England* Abolitheth all that may import the Oblation of any *Unbloody Sacrifice*; but here we have beſides the Preparatory Oblation of the Elements, (which is neither to be found in the Book of *England*, nor in King *Edward*'s Book of old) the Oblation of the Body and Blood of Chriſt, which *Bellarmine* calleth, *Sacrificium Laudis, quia Deus per Illud magnopere Laudatur.* This alſo agreeeth well with their late Doctrine: We are ready when it ſhall be judged convenient, and we ſhall be deſired, to diſcover much more matters of this kind, as grounds laid for *miſſa ſiccæ*, or the *half Maſs*; the private Maſs without the People; of Communicating in *one kind*, of the Conſumption by the Prieſt, and Conſummation of the Sacrifice; of Receiving the Sacrament in the Mouth, and not in the hand, *&c.*

Our Supplications were many againſt theſe Books, but *Canterbury* procured them to be anſwered with *terrible Proclamations*. We were conſtrained to uſe the remedy of Proteſtation; but for our Proteſtations, and other lawful means which we uſed for our Deliverance, *Canterbury* procured us to be declared *Rebels and Traytors* in all Pariſh-Kirks of *England*; when we were ſeeking to poſſeſs our Religion in *Peace*, againſt theſe Devices and Novations, *Canterbury* kindled VVar againſt us. In all theſe it is known that he was, although not the *Sole*, yet the Principal Agent, and Adviſer.

VVhen by the *Pacification* at *Berwick* both Kingdoms looked for Peace and Quietneſs, he ſpared not openly in the hearing of many, often before the King, and privately at the Council Table, and the *Privy Junčto*, to ſpeak of us as Rebels and Traytors, and to ſpeak againſt the Pacification as diſhonourable, and meet to be broken. Neither did his malignancy and bittetneſs ever ſuffer him to reſt, till a *new War* was entred upon, and all things prepared for our Deſtruction.

By him was it, that our *Covenant*, approven by National Aſſemblies, ſubſcribed by His Majeſties *Commiſſioners*, and by the Lords of His Majeſties Council, and by them commanded to be ſubſcribed by all the Subjects of the Kingdom, as a Teſtimony of our *Duty to God and the King*, by him was it ſtill called *Ungodly*, *Damnable*, *Treaſonable*; by him were Oaths invented and preſſed upon divers of our poor Country-men, upon the pain of Impriſonment, and many other miſeries, which were unwarrantable by Law, and contrary to their National Oath.

When our Commiſſioners did appear to render the Reaſons of our *Demands*, he ſpared not in the preſence of the King and Committee, to rail againſt our National Aſſembly, as not daring to appear before the World and Kirks abroad, where himſelf and his Actions were able to endure Trial: And againſt our juſt and neceſſary Defence, as the moſt Malicious and Treaſonable Contempt of Monarchical Government, that any by-gone Age had heard of: His hand alſo was at the Warrant for the Reſtraint of our Commiſſioners, ſent from the Parliament, Warranted by the King, and ſeeking the Peace of the Kingdoms.

When we had by our Declarations, Remonſtrances, and Repreſentations, manifeſted the Truth of our Intentions, and Lawfulneſs of our Actions, to all the good Subjects of the Kingdom of *England*, when the late Parliament could not be moved to Aſſiſt or Enter in War againſt us, maintaining our Religion and Liberties, *Canterbury* did not only adviſe the breaking up of that High and Honourable Court, to the great Grief and Hazard of the Kingdom; but (which is without Example) did ſit ſtill in the *Convocation*, and make Canons and Conſtitutions againſt us, and our juſt and neceſſary defence, ordaining under all higheſt pains, that hereafter the Clergy ſhall preach four times in the Year, ſuch Doctrine as is contrary, not only to our Proceedings, but to the Doctrine and Proceedings of other *Reformed Kirks*, to the

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the Judgment of all ſound Divines and Politiques, and tending to the utter Slavery and ruining of all Eſtates and Kingdoms, and to the Diſhonour of Kings and Monarchs. And as if this had not been ſufficient, he procured ſix Subſidies to be lifted of the Clergy, under pain of Deprivation to all that ſhould refuſe. And which is yet worſe, and above which Malice it ſelf cannot aſcend, by his means a Prayer is Framed, Printed, and ſent through all the Pariſhes of *England*, to be ſaid in all Churches in time of Divine Service, next after the Prayer for the Queen and Royal Progeny, againſt our Nation by name of *Trayterous Subjects, having caſt off all Obedience to our anointed Soveraign, and coming in a Rebellious manner to invade* England, *That ſhame may cover our Faces as Enemies to God and the King.*

Whoſoever ſhall impartially examine what hath proceeded from himſelf, in theſe two Books of Canons and Common-Prayer, what Doctrine hath been Printed and Publiſhed theſe Years by-paſt in *England* by his Diſciples and Emiſſaries; what groſs Popery in the moſt material Points we have found, and are ready to ſhew in the *Poſthume* Writings of the Prelates of *Edinburgh* and *Dunblane*, his own Creatures, his neareſt Familiars, and moſt willing Inſtruments to advance his Councils and Projects; ſhall perceive that his Intentions were deep and large againſt all the *Reformed* Kirks and Reformation of Religion, which in his Majeſties Dominions was panting, and by this time had rendred up the Ghoſt, if God had not in a wonderful way of *Mercy* prevented it. And that if the *Pope* himſelf had been in his Place, he could not have been more *Popiſh*; nor could he more zealouſly have negotiated for *Rome* againſt the Reformed Kirks, to reduce them to the *Hereſies* in Doctrine, the *Superſtitions* and Idolatry in *Worſhip*, and the *Tyranny* in Government, which are in that *See*, and for which the reformed Kirks did *Separate* from it, and came forth of *Babel*. From him certainly hath iſſued all this Deluge, which almoſt hath over-turned all.

We are therefore confident that your Lordſhips will by your means deal effectually, that this great Fire-brand be preſently removed from His Majeſties preſence, and that he may be put to *Tryal*, and put to his deſerved Cenſure according to the Laws of the Kingdom, which ſhall be good Service to God, Honour to the King and Parliament, Terrour to the Wicked, and comfort to all good men, and to *us* in ſpecial; who by his means principally have been put to ſo many and grievous Afflictions, wherein we had periſhed, if God had not been with us.

We do indeed confeſs that the Prelates of *England* have been of very different Humours, ſome of them of a more *hot*, and others of them of a more *moderate* Temper; ſome of them more, and ſome of them leſs inclinable to Popery; yet what known Truth and conſtant Experience hath made undeniable, we muſt at this opportunity profeſs, That from the firſt time of Reformation of the Kirk of *Scotland*, not only after the coming of King *James* of happy memory into *England*, but *before*, the Prelates of *England* have been by all means unceſſantly working the overthrow of our *Diſcipline* and Government. And it hath come to paſs of late, that the Prelates of *England* having prevailed and brought us to Subjection in the point of Government, and finding their long-waited-for opportunity, and a rare congruity of many Spirits and Powers, ready to operate for their ends, have made a ſtrong aſſault upon the whole external Worſhip and Doctrine of our Kirk. By which their doing, they did not aim to make us to reform to *England*, but to make *Scotland* firſt, (whoſe weakneſs in Reſiſting they had before experienced, in the novations of Government, and of ſome points of Worſhip) and thereafter *England conform to Rome*, even in theſe matters, wherein *England* had ſeparated from *Rome*, ever ſince the time of Reformation; an evil therefore which hath iſſued, not ſo much from the perſonal Diſpoſition of the Prelates themſelves, as from the innate Quality and Nature of their *Office*, and *Prelatical Hierarchy*, which did bring forth the *Pope* in ancient times, and never ceaſed till it brought forth Popiſh Doctrine and Worſhip, where it is once rooted, and the Principles thereof fomented and conſtantly followed. And from that Antipathy and Inconſiſtency of the two forms of Eccleſiaſtical Government, which they conceived, and not without cauſe, that one Iſland united alſo under one Head and Monarch, was not able to bear; the one being the ſame in all the Parts and Powers, which it was in the times of *Popery*, and now is in the *Roman* Church. The other being the form of Government received, maintained, and practiſed by *all the reformed Kirks*, wherein by their own Teſtimonies and Confeſſions, the Kirk of *Scotland* had amongſt them no ſmall Eminency. This alſo we repreſent to your Lordſhips moſt ſerious Conſideration; that not only the *Firebrands* may be removed, but that the *Fire* may be provided againſt, that there be no more Recombuſtion after this. *Ordered*,

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A Committee to diſpoſe of Petitions.

Ordered, That the Committee formerly appointed to peruſe the Petitions that came in, ſhall have power to diſpoſe of them, after they have peruſed them, to ſuch Committees as they ſhall think fit, and are to meet at Two of the Clock in the Committee-Chamber, and to Report their Opinions to the Houſe.

Sir *Henry Mildmay*,	Mr. *Corbett*,
Sir *Peter Hayman*,	Sir *Richard Luſon*,
Sir *Edw. Hungerford*,	Mr. *Pym*,
Sir *Tho. Fanſhaw*,	Mr. *Whiſtler*,
Sir *Tho. Barrington*,	Sir *William Litton*,
Mr. *Evelyn*,	Mr. *Perryn*,
Sir *William Strickland*,	Sir *Walter Earle*,
Mr. *Oldfield*,	Mr. *Perd*,
Sir *Anthony Irby*,	Mr. *Noell*,
Mr. *Rigby*,	Mr. *Weſton*,
Mr. *Ralph Goodwin*,	Mr. *Duns*,
Mr. *Potts*,	Lord *Fairfax*,
Mr. *Rowſe*,	Mr. *Cage*,
Mr. *Verney*,	Sir *Simon D'Ewes*,
Sir *Francis Seymor*,	Mr. *Purefoy*,
Mr. *Hatcher*,	Sir *Gilbert Gerrard*,
Mr. *Upton*,	Mr. *Morley*.

Emanuel College.

This Committee to conſider of the Petition exhibited here concerning *Emanuel College* in *Cambridge*, and they are to examine what either the Viſitor or any other has done to the Violation of the Laws and Statutes of that College, and a Warrant is to iſſue forth under Mr. *Speaker*'s hand to require the Maſter, Fellows, and Officers of the ſaid College forthwith to bring hither the Letters-Patents, Leiger-Book, and Statutes of the ſaid College, and all things concerning the ſame. And this Committee has power to ſend for Parties, Witneſſes, Papers and Records, and are to meet to morrow at Two of the Clock in the Court of Wards.

Dr. *Baſtwick* his further Order.

Upon the reading of the Petition of Doctor *John Baſtwick*, it was Ordered, That a Committee be named to take into conſideration the Petition exhibited here, and has power to hear Councel, and to aſſign him ſuch Councel as is deſired in his Petition, and to grant him a Warrant to take out *gratis*, ſuch Copies of the Cenſures, Warrants, Orders, and other the Proceedings in the ſeveral Courts, as ſhall or may any way concern this buſineſs; and has power to ſend for Parties, Witneſſes, Papers, Records; and are to meet to morrow in the Afternoon at Two of the Clock in the Star-Chamber.

King gives leave to inſpect his Revenue.

Mr. *Treaſurer* Reports, *That His Majeſty being acquainted with the great Care and Affection of the Houſe of Commons to advance and ſettle His Majeſty's Revenue, doth very graciouſly interpret the ſame, and hath Commanded me to give the Houſe free leave to enter into the Debate of His Majeſty's Revenues and Expences, as is deſired; And hath given Order, That all his Officers and Miniſters from time to time ſhall aſſiſt the Houſe therein, as there ſhall be occaſion.*

King's Revenue.

To morrow morning Nine of the Clock is appointed to enter into the Debate of *His Majeſty's Revenue and Expences:* And Mr. *Speaker* is then to put the Houſe in mind of this Order, and humble Thanks are to be returned from this Houſe to His Majeſty by Mr. *Treaſurer*, for His Majeſty's gracious Meſſage.

The

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Committee to examine the Witneſſes from *Lynn*, about the Patent for Starch.

The Knights and Burgeſſes of the County of *Norfolk*, and the Burgeſſes of *Lynn*, are appointed to examine the Witneſſes that are brought hither by *John Taverner*, and *Gilbert* of *Lynn*, in the buſineſs concerning Starch; and they are to meet this Afternoon at Two of the Clock in the Court of Wards, and Sir *Henry Mildmay* is added to this Committee.

Dean and Chapter of *Durham*, their Tenants Petition againſt them and *Windebank*.

The Petition of *George Gray*, and *Anthony Allen*, on the behalf of themſelves and the Tenants to the Dean and Chapter of *Durham*, was read, Complaining of Dr. *Belkanquall* Dean of *Durham*, for exacting of Fines upon their Leaſes contrary to Cuſtome, and bringing the Tenants before the Lords of the Council, and there by Order of the Council they were required, and did pay about 80 *l.* into the hands of one of the Clerks of the Council, towards the Charge they put the Dean and Chapter unto: And alſo that the Council committed *George Grey* and *Anthony Smith* Priſoners to the *Gate-Houſe*, where they remained till the 13th of *April*, 1640. when a Parliament met; whereupon they were releaſed, and the 80 *l.* repaid by Sir *William Beecher*; which Petition was referred to the *Committee* that is appointed to prepare the Charge againſt Mr. Secretary *Windebank*.

Corff-Caſtle Election.

Ordered, A Warrant to iſſue forth under Mr. *Speaker*'s hand, directed to the Clerk of the Crown, for a new Writ for the Electing of another Burgeſs to ſerve for the Town of *Corff-Caſtle* in the County of *Dorſet*, in the room and ſtead of Mr. Secretary *Windebank*.

A Conference being appointed with the Lords,

Mr. *Treaſurer*,	Mr. *St. Johns*,
Mr. *Hollys*,	Mr. *Pym*,
Sir *Thomas Roe*,	Mr. *White*,

are appointed Reporters of the Conference with the Lords.

Ordered, A Warrant to iſſue forth under Mr. *Speaker*'s hand, directed to the Clerk of the Crown in *Chancery*, for a new Writ for Electing of a Burgeſs to ſerve in this Parliament for the Town of *Warwick*, in the name and ſtead of Sir *Thomas Lucy* formerly returned, and ſince dead.

New-Caſtle Election.

It was likewiſe moved for *New-Caſtle*, to have a Warrant for a new Writ for Electing of a Burgeſs for the Town in the room and ſtead of Sir *John Melton* formerly returned a Burgeſs for that Town, and ſince dead; but there being a Petition depending before the *Committee for Privileges*, queſtioning the Election of Sir *John Melton*, no Warrant is to iſſue forth until the *Committee* has delivered their Opinions touching the Election.

Rigorous levying of Ship-money.

The Committee concerning the rigorous levying of Ship-money, being now *ſine die*, is appointed to meet this Afternoon at Two of the Clock in the *Exchequer-chamber*.

Wadham College referred to the Committee for *Emanuel* College.

Ordered, That the Grievances of *Wadham-College* in the Univerſity of *Oxon*, be referred to the conſideration of the Committee for *Emanuel-College*. Sir *Gilbert Pickering*, Sir *John Strangeways*, and Sir *Henry Herbert* are added to that Committee.

The Petitions of the Inhabitants of *Wittingham* in the County of *Cambridge*, and the Petition of the Inhabitants of the Hundred of *Marſh-land* in the County of *Norfolk*, and the Petition of the Inhabitants of the Towns of *Sutton*, *Mepall*, &c. in the Iſle of *Ely*, concerning Fenn-Lands, *&c.* be referred to the conſideration of the Committee appointed for Doctor *Thomſon*'s Petition.

Commiſſioners in the body of the Bill for Subſidies.

Reſolved upon the Queſtion, *That this Houſe ſhall nominate Commiſſioners in the body of the Bill for the Taxing of the Two Subſidies.*

Or-

Ordered, That the Knights and Burgeſſes of all the Counties, do conſider of the Names of all the Commiſſioners to be put in the body of the Bill, and that they preſent the ſame to the Houſe on *Saturday* morning. 16 *Caroli.*

Friday, Decemb. 18. 1640.

Decemb. 18.

An Act for the Naturalization of *David Gonbard*, Merchant, read the firſt time. Naturalization.

A Bill concerning Needle-makers, read the firſt time. Needle-Makers.

A Bill for the Naturalization of *Peter Fountain*, read the firſt time. *Peter Fountain.*

There being a Bill in the Houſe of Lords, that does reflect upon Doctor *Eden*, he moved that he might have leave to appear unto it; which was granted him. Doctor *Eden* leave.

Ordered, That the Letters of Adminiſtration granted yeſterday, againſt Mr. *Cambell*, a Member of this Houſe, at the Suit of Sir *Edward Savage*, and Regiſter of the Prerogative Court, be ſent for, to give an account of the Breach of the Privilege of this Houſe in this Point.

Ordered, That by Order of this Houſe, a Warrant iſſue forth under Mr. *Speaker*'s hand, to ſtay and ſurceaſe all proceedings upon any extra-judicial Decree made by the Lord Deputy, and Council of *Ireland*, in a Suit depending there before them, between Sir *Frederick Hamilton*, Knight, and *Evelin Luiſh* Widow, during the agitation of this Cauſe, and Complaint there; and that the Monies, by vertue of that Decree, upon the Lands of the ſaid Sir *Frederick Hamilton*, ſhall be ſtayed and detained in the Sheriffs hands, till this Houſe ſhall give further order in it. And that Sir *Frederick Hamilton* ſhall have the Privilege of this Houſe to go and come freely between the Two Kingdoms of *England* and *Ireland*, while his Cauſes and Complaints depend here. And that the Warrants under Mr. *Speaker*'s hand, ſhall be directed to ſuch Officers as may make them moſt effectual. Order to ſtay a Decree in *Ireland.*

That a Committee do take into conſideration the breach of the Privileges of Parliament, 3 *Car.* eſpecially the proceedings againſt Mr. *Hollis*, Sir *Peter Hayman*, Mr. *Strode*, Mr. *Valentine*, Mr. *Selden*, Mr. *Walter Long*, Sir *John Elliot*, Sir *Myles Hobart*, Mr. *Crew*, Mr. *Bellaſis*, Sir *John Hotham*, Mr. *Hampden*, Mr. *Pym*, Sir *Walter Earl*, Members of either the laſt Parliament, or the Parliament of 3 *Car.* And to take into conſideration the two Declarations made upon the Diſſolution of the laſt Parliament, and the Parliament 3 *Car.* And they are likewiſe to conſider of what reparations are fit to be granted to the Parties grieved, and to think of ſome courſe to prevent the like hereafter. But the Committee is firſt to enquire after, and conſider of the breaches of the Privilege of Parliament of 3 *Car.* and to report them to the Houſe, and they have power to ſend for Parties, Witneſſes, Papers, Records, and to do any other Act, as they in their Judgments ſhall think may beſt conduce to the buſineſs; and are to meet on *Monday* in the Afternoon, at Two of the Clock, in the *Exchequer-Court.* Breach of Privilege of Parliament, 3, & 4. *Car.*

Ordered, That Mr. *Harriſon* ſhall pay unto Sir *William Uvedall* Kt. 25000 *l.* the reſidue of 50000 *l.* which he by way of Loan, Voluntarily furniſhed towards the payment of the King's Army, and the Relief of the Northern Counties, to be repaid unto him, as by the Act of Subſidies ſhall be expreſſed; And that Sir *William Uvedall*'s Acquittance for the Receipt thereof, ſhall be his Diſcharge for the payment of the 25000 *l.* And the ſaid Sir *William Uvedall* is hereby ordered to receive the ſame, and to diſpoſe thereof according to the Order of this Houſe, to the uſe aforeſaid.

16 *Caroli.*

Mr. *Harbotle Grimſton*'s SPEECH, on a further Debate, touching the Arch-Biſhop of *Canterbury*.

Mr. *Harbotle Grimſton*'s Speech on a further Debate, touching the Archbiſhop of *Canterbury*.

Mr. *Speaker*,

THere hath been preſented to the Houſe a moſt faithful and exact Report of the Conference we had with the Lords yeſterday, together with the Opinion of the Committees that we imployed in the Service, That they conceived it fit, that the Arch-Biſhop of *Canterbury* ſhould be Sequeſtred, and I muſt ſecond the Motion; And with the favour of this Houſe, I ſhall be bold to offer my Reaſons, why I conceive it more neceſſary we ſhould proceed a little further than the deſire of a bare Sequeſtration only.

Mr. *Speaker*, Long Introductions are not ſuitable to weighty buſineſſes; we are now fallen upon the great Man the Arch-Biſhop of *Canterbury*; look upon him as he is in Highneſs, and he is the Sty of all Peſtilential filth, that hath infeſted the State and Government of this Commonwealth: Look upon him in his dependencies, and he is the only Man, the only Man that hath raiſed and advanced all thoſe, that together with himſelf, have been the Authors and Cauſers of all our Ruines, Miſeries, and Calamities we now groan under. Who is it but he only that hath brought the Earl of *Straffford* to all his great places and imployments? A fit Spirit and Inſtrument to act and execute all his wicked and bloody deſigns in theſe Kingdoms Who is it but he only that brought in Secretary *Windebank* into this place of Service, of Truſt, the very Broker and Pander to the Whore of *Babylon*?

Who is it, Mr. *Speaker*, but he only, that hath advanced all our Popiſh Biſhops? I ſhall name but ſome of them, Biſhop *Manwaring*, the Biſhop of *Bath and Wells*, the Biſhop of *Oxford*, and Biſhop *Wren*, the leaſt of all theſe Birds, but one of the moſt unclean ones; Theſe are the men that ſhould have fed Chriſt's Flock, but they are the Wolves that have devoured them; the Sheep ſhould have fed upon the Mountains, but the Mountains have eaten up the Sheep. It was the happineſs of our Church, when the Zeal of God's Houſe eat up the Biſhops, glorious and brave Martyrs, that went to the Stake in Defence of the Proteſtant Religion; but the Zeal of the Biſhops hath been only to perſecute and eat up the Church.

Who is it, Mr. *Speaker*, but this great Arch-Biſhop of *Canterbury*, that hath ſate at the Helm, to ſteer, and manage all the Projects that have been ſet on foot in this Kingdom this Ten years laſt paſt? and rather than he would ſtand out, he hath moſt unworthily trucked and chaffered in the meaneſt of them? As for inſtance, that of *Tobacco*, whereby Thouſands of poor people have been ſtript, and turned out of their Trades for which they have ſerved as Apprentices: We all know he was the Compounder and Contractor with them for the Licenſes, putting them to pay Fines, and a Fee-farm Rent to uſe their Trade: Certainly, Mr. *Speaker*, he might have ſpent his time much better, and more for his Grace in the Pulpit, than thus ſherking and raking in the *Tobacco* Shops. • Mr. *Speaker*, we know what he hath been charged withal in this Houſe, Crimes of a dangerous conſequence, and of a tranſcendent Nature, no leſs than the Subverſion of the Government of this Kingdom, and the Alteration of the Proteſtant Religion; and this is not upon a bare Information only, but much of it is come before us already, upon clear and manifeſt proofs; and there is ſcarce any Grievance, or Complaint come before us in this place, wherein we do not find him intermentioned, and as it were twiſted into it, like a buſie, angry Waſp, his Sting is in the tayl of every thing; We have this day likewiſe heard the Report of the Conference yeſterday, and it is the accuſation which the *Scots* Commiſſioners have charged him withal; and we do all know he is guilty of the ſame, if not more, here in this Kingdom.

Mr. *Speaker*, he hath been the great and Common Enemy of all Goodneſs, and Good men; and it is not ſafe that ſuch a Viper ſhould be near His Majeſty's Perſon, to diſtil his Poyſon into His Sacred Ears; nor is it ſafe for the Commonwealth that he ſit in ſo eminent a place of Government, being thus Accuſed. We know what he did in the Earl of *Strafford*'s Caſe: This man is the corrupt Fountain, that hath corrupted all the Streams; and till the Fountain be purged, we can never expect, nor hope to have clear Channels. I ſhall be therefore bold to offer my Opinion, and if I err, it is the error of my Judgment, and not my want of Zeal and Affection to the Publick Good. I conceive it is moſt neceſſary and fit that we ſhould now take up a reſolution to do ſomewhat, to ſtrike while the Iron is hot, and to

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go up to the Lords in the names of the Commons of this Houſe, and in the names of the Commons of *England*, and to accuſe him of High-Treaſon; and to deſire their Lordſhips, his Perſon may be ſequeſtred, and that in convenient time we may bring up his Charge. 16 *Caroli.*

This day the Archbiſhop of *Canterbury* was Voted by the Houſe of Commons to be a Traytor; and Mr. *Hollis* was ſent to the Lords to accuſe him of High-Treaſon; which he did immediately; aſſuring the Lords, That in convenient time there ſhould be a Charge put in againſt him, to make good the Accuſation; deſiring that he might be ſequeſtred from the Houſe, and committed to ſafe Cuſtody: Upon which he was committed to the Cuſtody of the Gentleman Uſher, and ſequeſtred from Sitting in Parliament, till he cleared himſelf of this Accuſation. The Archbiſhop of *Cant.* accuſed of High Treaſon.

The Archbiſhop being called to the Bar as a Delinquent, deſired their Lordſhips to give him leave to go home and fetch Papers, whereby to enable him to make his Defence to his Charge; which the Houſe granted; and that he ſhould take his own time this Afternoon to ſort his Papers; but directed it ſhould be done in the preſence of the Gentleman Uſher, and afterwards to return to the Houſe of the Gentleman Uſher this night, and to be in ſafe Cuſtody.

The Lords farther ordered, That no Member of their Houſe ſhall viſit the Lord Archbiſhop of *Canterbury*, without leave of the Houſe. None to viſit him without leave.

A Meſſage was ſent to the Houſe of Lords by Mr. *Hambden*, to let their Lordſhips know, That they had received Informations of a very high nature againſt *Matthew Wren*, Lord Biſhop of *Ely*, for ſetting up Idolatry and Superſtition in divers places, and exerciſing and acting ſome things of that nature in his own perſon: And becauſe they hear the ſaid Biſhop of *Ely* endeavours to make an Eſcape out of the Kingdom, he was commanded to deſire their Lordſhips to think of ſome ſuch courſe, that he may put in Security for his forth-coming, and to abide the Judgment of Parliament. *Decemb.* 19.

Then the Biſhop of *Ely* was commanded to withdraw; And the Lords ordered him to give 10000 *l.* Bail for his forth-coming.

Hereupon the Biſhop was called again, and the Lord Keeper acquainted him with the Order, which he conſented to, hoping to get Friends to be bound with him.

Then it was moved, That the Biſhop of *Ely* might be bound by Recognizance of 10000 *l.* for his Appearance, until he put in ſuch Security as the Houſe ſhould approve of; which he conſenting to, did immediately before the Lord Keeper in the Houſe acknowledge as followeth, *viz.*

Matthew Wren, Epiſcopus Elienſis, recognovit ſe debere Domino Regi Decem mille libras, levari de terris & tenementis bonis & catallis ſuis, &c. ad uſum Domini Regis.

The Condition was, That he ſhould appear from day to day, until *Wedneſday* next; againſt which day he is to provide ſufficient Bail for 10000 *l.* ſuch as this Houſe ſhall approve of, to be Bound for his forth-coming, and abiding the Judgment of Parliament, *&c.*

The Commons having ſecured the Great Stateſman the Earl of *Straffford*, and the Great Church-man Archbiſhop *Laud*, began to prepare an Impeachment againſt the Great Officer of Law, the Lord Keeper *Finch*, of High-Treaſon. Lord Keeper *Finch.*

An. 1640. He craves leave to be heard.

Of which he having notice, deſired by a Letter to be admitted to ſpeak for himſelf before them: Upon this Letter there aroſe this day a great Controverſie in the Houſe; and after ſome time ſpent about it, it was granted him, and *Monday* next appointed for that purpoſe.

Decemb. 12. The Lord Keeper comes into the Houſe of Commons.

This day the Lord Keeper *Finch* came into the Houſe, a Chair being ſet for him near to the Bar, and he carrying the Purſe himſelf: And when the Speaker told him, that his Lordſhip might ſit, he made a low Obeyſance, and laying down the Seal and his Hat in the Chair, himſelf leaning on the backſide of it, made this following Speech in his own Vindication, which he delivered with an excellent Grace and Geſture.

The Lord Keeper's SPEECH.

Mr. *Speaker*,

The Lord Keeper's Speech.

I Do firſt preſent my moſt humble thanks to this Honourable Aſſembly, for this favour vouchſafed me, in granting me admittance to their preſence; and do humbly beſeech them to believe it is no deſire to preſerve my ſelf, or my fortune, but to deſerve the good opinions of thoſe that have drawn me hither.

I do profeſs in the preſence of him that knoweth all hearts, that I had rather go from dore to dore, and crave *Da obolum* Belizario, *&c.* with the good opinion of this Aſſembly, than live and enjoy all the Honours and Fortunes I am capable of.

I do not come hither with an intention to juſtify my Words, my Actions, or my Opinions; but to make a plain and clear narration for my ſelf, and then humbly to ſubmit to the wiſdom and juſtice of this Houſe my ſelf, and all that concerns me.

I do well underſtand, Mr. *Speaker*, with what diſadvantage any man can ſpeak in his own Cauſe; and if I could have told how to have tranſmitted my Thoughts and Actions by a clearer repreſentation of another (I do ſo much defy my own judgment in working, and my ways in expreſſing) that I ſhould have been a moſt humble Suitor, another might have done it. But this Houſe will not take words, but with clear and ingenuous dealing, and therefore I ſhall beſeech them to think I come not hither with a ſet or ſtudied Speech; I come to ſpeak my heart, and to ſpeak it clearly and plainly, and then leave it to your Clemency and Juſtice; and I hope if any thing ſhall ſlip from me, to work contrary to my meaning, or intention, diſorderly or ill placed, you will be pleaſed to make a favourable conſtruction, and leave me the liberty of explanation, if there ſhall be any, but I hope there ſhall be no cauſe for it.

I hope for my affection in Religion, no man doubteth me; what my Education, what and under whom for many years, is well known; I lived near 30 years in the Society of *Grays-Inn*: and if one that was a Reverend Preacher in my time (Dr. *Sibbs*) were now alive, he were able to give teſtimony to this Houſe, That when a Party ill affected in Religion ſought to weary him, and tire him out, he had his chiefeſt encouragement from me.

I have now, Mr. *Speaker*, been 15 years of the King's Council; from the firſt hour to this minute, no man is able to ſay that ever I was Author, Adviſer, or Conſenter to any Project.

It pleaſed the King (my gracious Maſter, after I had ſerved him divers years) to prefer me to two Places; to be Chief Juſtice of the *Common Pleas*, and then Keeper of his Great Seal; I ſay it in the preſence of God, I was ſo far from the thought of the one, and from the ambition of the other, that if my Maſter's grace and goodneſs had not been, I had never enjoyed thoſe Honours.

I cannot tell, Mr. *Speaker*, nor I do not know what particulars there are that may draw me into your diſfavour, or ill opinion, and therefore I ſhall come very weakly armed; yet to thoſe that either in my own knowledge, or by ſuch knowledge as is given me, and not from any in this Houſe, I ſhall ſpeak ſomewhat, that I hope being truth, and accompanied with clearneſs and ingenuity, will at laſt procure ſome allay of that ill opinion which may perhaps be conceived of me.

Mr. *Speaker*, I had once the honour to ſit in the place that you do: from the firſt time I came thither, to the unfortunate time, I do appeal to all that were here then, if I ſerved you not with candor. Ill office I never did to any of the Houſe, good offices I have Witneſſes enough I did many; I was ſo happy, that upon an occaſion which

16 *Caroli.*

which once happened, I received an expreſſion and teſtimony of the good affection of this Houſe towards me.

For the laſt unhappy day, I had a great ſhare in the unhappineſs and ſorrow of it. I hope there are enough do remember, no man within the walls of this Houſe did expreſs more Symptoms of ſorrow, grief, and diſtraction than I did.

After an adjournment for two or three days, it pleaſed his Majeſty to ſend for me, to let me know that he could not ſo reſolve of things as he deſired, and therefore was deſirous that there might be an adjournment for ſome few days more. I proteſt I did not then diſcern in his Majeſty, and I believe it was not in his thoughts to think of the diſſolving of this Aſſembly, but was pleaſed in the firſt place to give me a command to deliver his pleaſure to the Houſe for an adjournment for ſome few days, till the Monday following, as I remember, and commanded me withal to deliver his pleaſure, that there ſhould be no further Speeches, but forthwith upon the delivery of the Meſſage, come and wait upon him: He likewiſe commanded me, if Queſtions were offered to be put, upon my Allegiance I ſhould not dare to do it; how much I did then in all humbleneſs reaſon with his Majeſty, is not for me here to ſpeak; only thus much let me ſay, I was no Author of any Counſel in it, I was only a perſon in receiving commiſſion. I ſpeak not this as any thing I now produce or do invent, or take up for my own excuſe, but that which is known to divers, and ſome Honourable perſons in this Houſe, to be moſt true. All that I will ſay for that, is humbly to beſeech you all to conſider, That if it had been any mans cauſe, as it was mine, between the diſpleaſure of a gracious King, and the ill opinion of an Honourable Aſſembly, I beſeech you lay all together, lay my firſt actions and behaviour with the laſt, I ſhall ſubmit to your Honourable and Favourable conſtructions.

For the Shipping buſineſs, My opinion of that Cauſe hath lain heavy upon me; I ſhall clearly and truly preſent unto you what every thing is, with this proteſtation, That if in reckoning up my own opinion what I was of, or what I delivered, any thing of it be diſpleaſing, or contrary to the opinion of this Houſe, that I am far from juſtifying of it, but ſubmit that and all other my actions to your Wiſdoms and Goodneſs.

Maſter Speaker, the firſt Writs that were ſent out about Shipping buſineſs, I had no more knowledge, and was as ignorant of, as any one Member of this Houſe, or any man in this Kingdom. I was never the Author nor Adviſer of it, and will boldly ſay from the firſt to this Hour, I did never adviſe nor counſel the ſetting forth of any Ship-Writs in my life.

Maſter Speaker, It is true that I was made Chief Juſtice of the Common Pleas ſome four days before the Ship-Writs went out to the Ports and Maritime Places, as I do remember the 28 of *October* 1634. they do bear Teſt, and I was ſworn Juſtice the 16 of *October*, ſo as they went out in that time, but without my knowledg or privity, the God of Heaven knows this to be true.

Maſter Speaker, Afterwards his Majeſty was pleaſed to command my Lord Chief Juſtice of the Kings Bench, that then was, Sir *Thomas Richardſon*, and Chief Baron of the Exchequer that now is, and my ſelf; then Chief Juſtice of the Common Pleas, to take into conſideration the Preſidents then brought unto us, which we did, and after returned to his Majeſty, what we had found out of thoſe Preſidents.

It is true, that afterwards his Majeſty did take into conſideration, that if the whole Kingdom were concerned, that it was not reaſon to lay the whole burthen upon the Cinque Ports and Maritime Towns.

Thereupon, upon what ground his Majeſty took that into his conſideration, I do confeſs I do know nothing of it.

His Majeſty did command my Lord Chief Juſtice that now is, my Lord Chief Baron, and my ſelf, to return our opinions, Whether, when the whole Kingdom is in danger, and the Kingdom in general is concerned, it be not according to Law and Reaſon, that the whole Kingdom, and His Majeſty, and all intereſted therein, ſhould joyn in defending and preſerving thereof?

This was in time, about 1634.

In Michaelmas Term following, His Majeſty commanded me to go to all the Judges, and require their opinions in particular.

He commanded me to do it to every one, and to charge them upon their Duty and Allegiance to keep it ſecret.

Mr. *Speaker*,

An. 1640.

Mr. *Speaker*, It was never intended by His Majeſty (ſo profeſſed by him) at that time, and ſo declared to all the Judges, that it was not required by him, to be ſuch a binding opinion to the Subject, as to hinder him from calling it in queſtion, nor to be binding to themſelves, but that upon better reaſon and advice they may alter it; but deſired their opinions, for his own private reaſon.

I know very well, that extrajudicial opinions of Judges ought not to be binding.

But I did think and ſpeak my heart and conſcience freely; my ſelf, and the reſt of the Judges being ſworn, and by our Oaths tyed to counſel the King when he ſhould require advice of us, that we were bound by our Oaths and Duties to return our opinions.

I did obey His Majeſties command, and do here before the God of Heaven avow it.

I did never uſe the leaſt promiſe of preferment or reward to any, nor did uſe the leaſt menace; I did leave it freely to their own conſciences and liberty; for I was left the liberty of my own by His Majeſty, and had reaſon to leave them the liberty of their own conſciences.

And I beſeech you be pleaſed to have ſome belief, that I would not ſay this, but that I know the God of Heaven will make it appear; and I beſeech you, that extravagant Speeches may not move againſt that which is a poſitive and clear truth.

Mr. *Speaker*, In the diſcourſe of this (as is between Judges) ſome ſmall diſcourſes ſometimes aroſe yet never was any cauſe wherein any Judges conferred, that were ſo little conference, as between me and them.

Mr. *Speaker*, Againſt a Negative I can ſay nothing, but I ſhall affirm nothing unto you, but by the grace of God, as I affirm it to be true, ſo I make no doubt of making it appear to be ſo.

This opinion was ſubſcribed without Sollicitation, there was not any man of us did make any doubt of ſubſcribing our opinion, but two, Maſter Juſtice *Hutton*, and Maſter Juſtice *Crooke*.

Maſter Juſtice *Crooke* made not a ſcruple of the thing, but of the introduction, for it was thus:

That whereas the Ports and the Maritime Towns were concerned; there according to the Preſidents in former times, the charge lay on them.

So when the Kingdom was in danger, of which his Majeſty was the ſole Judge; whether it was not agreeable to Law and Reaſon, the whole Kingdom to bear the charge?

I left this Caſe with Judge *Crook*.

The next Term I ſpake with him, he could give me no reſolution, becauſe he had not ſeen the Writs in former times, but did give his opinion, That when the whole Kingdom was in danger, the defence thereof ought to be born by all.

So of that opinion of his, there was no need of a Sollicitation.

I ſpeak no more here, than I did openly in my Argument in the Chequer-Chamber.

This is the naked truth: For Maſter Juſtice *Hutton*, he did never ſubſcribe at all.

I will only ſay this, That I was ſo far from preſſing him to give his opinion, becauſe he did ask time to conſider of it, that I will boldly ſay, and make it good, that when His Majeſty would have had him ſometimes ſent for, to give his opinion, I beſeeched HisMajeſty to leave him to himſelf and his conſcience; and that was the ill office I did.

The Judges did ſubſcribe in *November* or *December* 1635.

I had no conference, (nor truly I think) by accident any diſcourſe with any of the Judges touching their opinions; for till *February* 1636. there was no ſpeech of it; for when they had delivered their opinions, I did return according to my duty to my Maſter the King, and delivered them to him: in whoſe cuſtody they be.

In *February* 1636. upon a command that came from His Majeſty, by one of the then Secretaries of State, the Judges all aſſembled in *Grayes-Inn*, we did then fall into a debate of the caſe then ſent unto us, and we did then return our opinion unto His Majeſty; there was then much diſcourſe and great debate about it.

Mine opinion and conſcience at that time was agreeable to that opinion I then delivered.

I did

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I did uſe the beſt Arguments I could, for the maintenance of my opinion; and that was all I did.

It is true, that then at that time, Mr. Juſtice *Hutton* and Mr. Juſtice *Crook*, did not differ in the main point, which was this;

When the Kingdom was in danger, the charge ought to be born by the whole Kingdom.

But in this point, Whether the King was the ſole Judge of the danger? they differed.

So as there was between the firſt ſubſcription, and this debate, and conſultation, ſome 15 months difference.

It is true, that all of them did then ſubſcribe, both Juſtice *Hutton*, and Juſtice *Crook*, which was returned to His Majeſty, and after publiſhed by my Lord Keeper (my Predeceſſor) in the Star-Chamber.

For the manner of publiſhing it, I will ſay nothing, but leave it to thoſe, whoſe memories will call to mind what was then done.

The reaſon of the ſubſcription of Juſtice *Hutton*, and Juſtice *Crooke* (though they differed in opinion) grew from this that was told them, from the reſt of the Judges.

That where the greater number did agree in their Vote, the reſt were involved and included.

And now I have faithfully delivered what I did in that buſineſs, till I came (which was afterwards) to my Argument in the Exchequer-Chamber; for the queſtion was, *A Scire Facias* iſſued out of the Exchequer, in that caſe of Mr. *Hampden*, of which I can ſay nothing, for it was there begun, and afterwards rejourned, to have advice of all the Judges.

Mr. *Speaker*, among the reſt (according to my duty) I argued the caſe.

I ſhall not trouble you, to tell you what my Argument was, I preſume there are Copies enough of it; only I will tell you there are four things, very briefly, that I then declared.

Firſt, Concerning the matter of danger, and neceſſity of the whole Kingdom.

I profeſs that there was never a Judge in the Kingdom did deliver an opinion, but that it muſt be in a caſe of apparent danger.

When we came to an Argument of the caſe, it was not upon a matter of iſſue, but it was upon a demurrer;

Whether the danger was ſufficiently admitted in pleading, and therefore was not the thing that was in diſpute; that was the firſt degree and ſtep that led unto it.

I did deliver my ſelf as free and as clear as any man did, That the King ought to govern by the poſitive Laws of the Kingdom; That he could not alter, nor change, nor innovate in matters of Law, but by common conſent in Parliament.

I did further deliver, That if this were uſed to make a further revenue or benefit to the King, or in any other way but in caſe of neceſſity, and for the preſervation of the Kingdom, The Judgment did warrant no ſuch thing.

My opinion in this buſineſs, I did in my concluſion of my Argument ſubmit to the Judgment of this Houſe.

I never delivered my opinion, That Money ought to be raiſed, but Ships provided for the defence of this Kingdom, and in that the Writ was performed.

And that the charge ought not to be in any caſe, but where the whole Kingdom was in danger.

And Maſter Juſtice *Hutton*, and Maſter Juſtice *Crooke*, were of the ſame opinion with me.

I do humbly ſubmit, having related unto you my whole carriage in this buſineſs, humbly ſubmitting my ſelf to your grave and favourable cenſures, beſeeching you not to think that I delivered theſe things with the leaſt intention to ſubvert or ſubject the common Law of the Kingdom, or to bring in, or to introduce any new way of Government; it hath been far from my thoughts, as any thing under the Heavens.

Mr. *Speaker*, I have heard too, that there have been ſome ill opinion conceived of me about Foreſt buſineſs, which was a thing far out of the way of my ſtudy, as any thing I know towards the Law.

But it pleaſed his Majeſty, in the ſickneſs of Maſter *Noy*, to give ſome ſhort warning to prepare my ſelf for that Imployment.

When

An. 1640.

When I came there, I did both the King and Commonwealth acceptable ſervice; for I did and dare be bold to ſay, with extream danger to my ſelf and fortune, (ſome do underſtand my meaning herein) run through that buſineſs, and left the Foreſt as much as was there.

A thing in my Judgment conſiderable for the advantage of the Commonwealth. as could be undertaken.

When I went down about that imployment, I ſatisfied my ſelf about the matter of perambulation.

There were great difficulties of opinions, what perambulation was.

I did arm my ſelf as well as I could, before I did any thing in it.

I did acquaint thoſe that were then Judges, in the preſence of the Noble Lords, with ſuch objections as I thought it my duty to offer unto them.

If they thought they were not objections of ſuch weight, as were fit to ſtir them, I would not do the King that diſſervice.

They thought the objections had ſuch anſwers as might well induce the like upon a conference with the whole Countrey, admitting me to come and confer with them, the Country did unanimouſly ſubſcribe.

It fell out afterwards, that the King commanded me, and all this before I was Chief Juſtice, to go into *Eſſex*, and did then tell me he had been informed, that the bounds of the Foreſt were narrower, than in truth they ought to be; and I did according to his Command.

I will here profeſs that which is known to many; I had no thought or intention of enlarging the bounds of the Foreſt, further then *H.* and that part about it, for which there was a perambulation abont 26 *Ed.* 4.

I deſired the Country to confer with me about it, if they were pleaſed to do it; and then according to my duty, I did produce thoſe Records which I thought fit for his Majeſties ſervice, leaving them to diſcharge themſelves as by Law and Juſtice they might do.

I did never in the leaſt kind, go about to overthrow the Charter of the Foreſt.

And did publiſh and maintain *Charta de Foreſta*, as a ſacred thing, and no man to violate it, and ought to be preſerved for the King and Commonwealth.

I do in this humbly ſubmit, and what I have done, to the Goodneſs and Juſtice of this Houſe.

Many were exceedingly taken with his Eloquence and Carriage; and it was a ſad ſight to ſee a Perſon of his Greatneſs, Parts and Favour, to appear in ſuch a poſture, before ſuch an Aſſembly, to plead for his Life and Fortunes.

Shortly after the Lord Keeper had finiſhed his Speech, Mr. *Rigby* delivered himſelf as followeth.

Mr. *Rigby*'s SPEECH.

Mr. *Rigby*'s Speech in Anſwer to the Lord Keeper's.

Mr. Speaker,

THough my Judgment prompts me to ſit ſtill, and be ſilent, yet the duty I owe to my King, my Countrey, and my Conſcience, moves me to ſtand up and ſpeak.

Mr. Speaker, *Had not this* Syren *ſo ſweet a Tongue, ſurely he could never have effected ſo much miſchief to this Kingdom: You know, Sir,* optimorum putrefactio peſſima, *the beſt things putrefied, become the worſt: And as it is in the Natural, ſo in the Body Politick; and what's to be done then, Mr.* Speaker, *we all know,* enſe recidendum eſt, *the Sword, Juſtice muſt ſtrike,* nè pars ſincera trahatur.

Mr. Speaker, *It is not the Voice,* non vox ſed votum, *not the Tongue, but the Heart and Actions that are to be ſuſpected: For doth not our Saviour ſay it,* Shew me thy faith by thy works, O Man! *Now, Mr.* Speaker, *hath*

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hath not this Kingdom ſeen, (ſeen ſay I?) nay felt and ſmarted under the Cruelty of this man's Juſtice? ſo malicious as to record it in every Court of Weſtminſter; *as if he had not been contented with the enſlaving of us all, unleſs he entailed it to all Poſterity. Why ſhall I believe words now,* cum factum videam? *Shall we be ſo weak men, as when we have been injured and abuſed, will be gained again with fair words and Complements? Or, like little Children, when we have been whipt and beaten, be pleaſed again with Sweetmeats? Oh no: There be ſome Birds in the Summer of Parliament will ſing ſweetly, who in the Winter of Perſecution will for their Prey ravenouſly fly at all, upon our Goods, nay ſeize upon our Perſons; and hath it not been with this Man ſo, with ſome in this Aſſembly?*

Mr. Speaker, *It hath been objected unto us, That in Judgment we ſhould think of Mercy; and* Be ye merciful as your heavenly Father is merciful; *now God Almighty grant that we may be ſo, and that our Hearts and Judgments may be truly rectified to know truly what is mercy, I ſay, to know what is mercy; for there is the point, Mr.* Speaker: *I have heard of fooliſh pity; fooliſh pity! Do we not all know the effects of it? and I have met with this Epithete to mercy,* Crudelis miſericordia; *and in ſome kind I think there may be a cruel mercy: I am ſure that the Spirit of God ſaid, Be not pitiful in Judgment; nay it ſaith, Be not pitiful of the* poor *in Judgment; if not of the poor, then* à Latiori, *not of the* rich; *there's the Emphaſis. We ſee by the ſet and ſolemn appointments of our Courts of Juſtice, what proviſion the wiſdom of our Anceſtors hath made for the preſervation, honour and eſteem of Juſtice; witneſs our frequent Terms, Seſſions and Aſſizes, and in what pomp and ſtate the Judges in their Circuits, by the Sheriffs, Knights and Juſtices, and all the Countrey, are attended oft-times for the hanging of a poor Thief for the ſtealing of a Hog, or a Sheep, nay in ſome Caſes for the ſtealing of a Peny, and Juſtice too,* in terrorem; *and now ſhall not ſome of them be hanged that have rob'd us of all our Propriety, and ſheared at once all our Sheep, and all we have away, and would have made us all indeed poor* Bellizario's, *to have begged for Half-penies, when they would not have left us one Peny that we could have called our own?*

Let us therefore now, Mr. Speaker, *not be ſo pitiful, as that we become remiſs; not ſo pitiful in judgment, as to have no judgment; but ſet the deplorable eſtate of* Great Britain *now before our eyes, and conſider how our moſt Gracious Soveraign hath been abuſed; and both His Majeſty, and all His Subjects, injured by theſe wicked Inſtruments; for which my humble motion is, That with theſe Particulars we become not ſo merciful, as to the generality (the whole Kingdom) to grow mercileſs.*

Fiât Juſtitia.

The Lord Keeper voted a Traytor.

Upon theſe following Particulars he was the ſame day voted a Traytor.

1. *For refuſing to read the Remonſtrance againſt the Lord Treaſurer* Weſton, 4 Car. *when the Parliament deſired it.*
2. *For ſolliciting, perſuading, and threatning the Judges to deliver their Opinion for the levying of Ship-money.*
3. *For ſeveral Illegal Actions in Foreſt-marters.*
4. *For Ill Offices done in making the King to diſſolve the Laſt Parliament, and cauſing his Declaration thereupon to be put forth.*

He flies.

The next day he was accuſed before the Lords, but he got up earlier, gave them the ſlip, and eſcaped into *Holland.* And the ſame day, being *Tueſday* the 22d of *December*, the King by Commiſſion deputed

An. 1640. Sir *Edward Littleton*, Lord Chief Juſtice of the *Common Pleas*, to ſit as Speaker of the Houſe of Lords in his place.

The Judges accus'd.

Dec. 22. This day Mr. *Waller* went up to the Lords with a Meſſage from the Commons, That they had received divers Informations of Crimes of a very high nature againſt Sir *John Bramſton*, Knight, Lord Chief Juſtice of the *King's-Bench*, Sir *Humphrey Davenport*, Juſtice *Berkly*, and Juſtice *Crawley*, and deſired their Lordſhips to conſider of ſome ſuch Courſe, that they put in good Security to abide the Cenſure of the Parliament.

They enter into Recognizance.

The Judges being all preſent, except the Lord Chief Baron, ſubmitted themſelves to the pleaſure of the Houſe. Whereupon it was ordered, That they ſhould for the preſent enter into Recognizance in open Court, with condition to put in Bail of 10000 *l.* apiece on the 30th of *December*, 1640. to appear before the Lords of Parliament from time to time, and to be preſent at the Judgment in Parliament againſt them, if there were any; and if they cannot procure Security as aforeſaid, then to yield their Bodies upon the ſaid 30th of *December*.

It was further Ordered by the Lords, That the Lord Chief Juſtice of the *Common Pleas* do give notice to the Lord Chief Baron *Davenport*, that he appear before their Lordſhips to Morrow morning, and that he ſee the aforeſaid Judges do appear and ſhew themſelves perſonally before him once a day upon thoſe days when the Houſe doth not ſit, that they may be forth-coming.

Upon ſome Debate in the Houſe concerning the Miſcarriages of the Judges, (whether upon this day, or the 8th of this Month, does not appear) this following Speech was made by a certain Member of the Houſe.

Mr. Speaker,

IT was a Cuſtom amongſt the *Romans*, (who as by their Power they once gave Laws, ſo by the happy Succeſs of their long-flouriſhing Government might they well give examples to all the world) that in their Senates the youngeſt men ſpake firſt; partly, that they might not have their weaker Notions anticipated by the more knowing Senators; and partly, that the Senate might not be diverted from the mature Reſolutions of the more Ancient, by the interpoſition of the younger men: They, as all Free States, ever allowing free Members to expreſs themſelves according to their ſeveral capacities: And methinks 'twas a happy method. So the opinions and inclinations of the Aſſembly, being diſcovered and ripened to reſolution by ſuch gradations, the ſentences of the Sages ſounded as Judgments, not Orations; their Wiſdom and Gravity put a ſeaſonable Period to others, perhaps otherwiſe endleſs diſcourſes.

Their preſident encourages me (who worſt may) to break the Ice: Children can lay their fingers on the Sore, point out their pain; and Infant Graduates in Parliament may groan out the Grievances of a diſeaſed Commonwealth, but they muſt be Doctors in the Art of Government that can apply apt remedies to recover it.

Mr. *Speaker*, Ancient and approved hath been that parallel of the Body Politick with the Body Natural: 'Tis the part of the Patients in either diſtempered, to impart freely their griefs to the Phyſicians of the Body or State, if they expect a cure.

This Commonwealth is (or ſhould be) but one body. This Houſe, the great Phyſician of all our maladies; and alas, Mr. *Speaker*, of what afflicted part ſhall we poor Patients complain firſt? Or rather of what ſhall we not complain?

Are we not heart-ſick? Is there in us that which God requires, Unity, Purity, and ſingularity of heart? Nay, is not Religion (the ſoul of this body) ſo miſerably diſtracted, that, I ſpeak it with terror of heart, 'tis to be feared, there is more confuſion of Religions amongſt us, than there was of Tongues at the Subverſion of

16 *Caroli.*

of *Babel*: And is it not then high time that we underſtand one another, that we were reduced to one *Faith*, one *Government?*

Sir, *Is the Head whole?* The ſeat of *Government* and *Juſtice*, the *Fountain* from whoſe ſweet influence, all the inferior members of this body ſhould receive both vigour and motion? Nay, hath not rather a general Apoplexy, or Palſie, taken or ſhaken all our members? Are not ſome dead? Others buried quick? Some diſmembred, all diſordered by the diverſion of the Courſe of *Juſtice?*

Is the *Liver* (Nature's Exchequer) open, from whoſe free diſtribution each limb may receive his proper Nutriment? or rather is it not wholly obſtructed? Our Property taken from us? So that it may properly be ſaid of us, *Sic vos non vobis fertis aratra*, our Anceſtors drunk the juice of their own Vines, reap'd and ate the fruit of their own harveſt: But now the poor man's Plow goes to furrow the Seas, to build Ships: we labour not for our ſelves, but to feed the excretions of Nature, things grown up out of the ruins of the natural members; *Monopoliſts.*

Sir, Theſe are *Maxima vitalia*; Religion, Juſtice, Property; The Heart, the Head, the Liver of this great body, and theſe diſtempered or obſtructed, can the ſubordinate parts be free? No, Sir; The truth is, all is ſo far out of frame, that to lay open every particular grievance, were to drive us into deſpair of cure; In ſo great confuſion where to begin firſt, requires not much leſs care, than what to apply.

Mr. *Speaker*, I know 'tis a plauſible Motion, To begin with ſetting God's Houſe in order firſt; who preſſes that, moves with ſuch advantage, that he is ſure no man will gainſay him. 'Tis a well-becoming Zeal to prefer Religion before our own Affairs; and indeed 'tis a Duty not to be omitted, where they are in equal danger: But in cure of the Body Politick or Natural, we muſt prefer the moſt preſſing exigents.

Phyſicians know, that Conſumptions, Dropſies, and ſuch-like lingring Diſeaſes, are more mortal, more difficult to cure, than ſlight external Wounds; yet if the leaſt Vein be cut, they muſt neglect their greater cures to ſtop that, which if neglected, muſt needs exhauſt the ſtock of Nature, and produce a diſſolution of the whole man.

A *Defection* from the Duties of our Religion, is a Conſumption to any State; no Foundation is firm, that is not laid in Chriſt.

The *Denial* of Juſtice, the Abridgement of our Liberties, is ſuch an obſtruction as renders the Common-wealth *Leprous*; *but the Wounds* in our Property lets out the Life-blood of the People.

The *Reformation* of *Church-Government* muſt neceſſarily be a work of much time; and God be thanked the diſeaſe is not deſperate; *We ſerve one God, we believe in one Chriſt, and we all acknowledge and profeſs one Goſpel.* The difference is only *de modo*, we vary but in Ceremonies; to reduce which, to the Primitive practice, muſt be a work of great debate, is not a work for us alone to ſettle.

The ſtop of Juſtice can yet *injure* but particulars: *'Tis true, there may be many, too many inſtances of ſtrange oppreſſions, great oppreſſors*, but 'twill be hard to judge the Concluſion. *Et ſic de cæteris.*

But take from us the propriety of our Eſtates, our Subſiſtence, we are no more a People. This is that vein which hath been ſo deep cut, ſo far exhauſted, that to preſerve our being, we muſt doubtleſs ſtop this current: Then ſettle *Rules* to live by, when we are ſure to live.

Mr. *Speaker*, He that wells weighs this little word *Property*, or propriety in our Eſtates, will find it of a large extent: The *Leeches* that have ſuckt this blood, have been *Exciſe*, *Benevolences*, *Loans*, *Impoſitions*, *Monopolies*, *Military Taxes*, *Ship-money* (*cum multis aliis*) all which ſpring from one Root.

And is it not high time to grub up that Root that brings forth ſuch fruit? Shall we firſt ſtand to lop the branches one by one, when we may down with all at once? He that to correct an evil tree, that brings forth bad fruit, ſhall begin at the maſter-bough, and ſo lop downwards, is in danger to fall himſelf before the tree falls. The ſafer and ſpeedier way is to begin at the root, and there, with ſubmiſſion to better judgments, would I lay the Axe.

The Root of moſt of our preſent miſchiefs, and the ruine of all poſterity, do I hold, to be that extrajudicial (Judgment I cannot ſay, but rather) doom, delivered by all the Judges under their hands out of Court, yet recorded in all Courts, to the ſubverſion of all our Fundamental *Laws*, *Liberties*, and *Annihilation*, if not *Confiſcation* of our Eſtates; *That in caſe of danger, the King may impoſe upon his*

An. 1640. *Subjects, and that he is the Sole Judge of the danger, neceſſity, and proportion*; which in brief, is to take what, when, and where he will; which though delivered in the time of a Gracious and Merciful Prince, who we hope will not wreſt it beyond our abilities; yet left to the *Interpretation* of a ſucceeding Tyrant, if ever this Nation be ſo unfortunate to fall into the hands of ſuch; it is a Record wherein every man might read himſelf a ſlave that reads it, having nothing he can call his own, all proſtitute to the will of another.

What to do in ſuch a caſe, we are not to ſeek for precedents; our Honourable Anceſtors taught us in the juſt and exemplar puniſhments of Chief *Juſtice Treſilian* and his Complices (for giving their *Judgments* out of *Parliament* againſt the eſtabliſhed *Laws* of *Parliament*) how tender they were of us, how careful we ought to be to continue thoſe Laws, to preſerve the Liberty of our Poſterity.

I am far from maligning the perſon, nor in my heart wiſh I the Execution of any man; but certainly it ſhall be a *Juſtice* well becoming this Houſe, to lay their Heads at his Majeſties mercy, who laid us under his feet, who had made us but tenants at will of our Liberties and Eſtates.

And though I cannot but approve of Mercy, as a great Vertue in any Prince, yet I heartily pray it may prove a Precedent as ſafe and uſeful to this oppreſſed State, as that of Juſtice.

Mr. *Speaker*, Blaſted may that tongue be, that ſhall in the leaſt degree derogate from the glory of thoſe Halcyon days our fathers enjoyed, during the Government of that ever bleſſed, never to be forgot, Royal *Elizabeth*. But certainly I may ſafely ſay (without detraction) it was much advantage to the peace and proſperity of her Reign, that the great examples of *Empſon* and *Dudley* were then freſh in memory. The *Civility* of our *Laws* tell us, That Kings can do no wrong; and then is the State ſecure, when Judges (their Miniſters) dare do none. Since our times have found the want of ſuch examples, 'tis fit we leave ſome to poſterity. God forbid all ſhould be thought or found guilty; there are doubtleſs ſome Ring-leaders, let us ſift them out. *In publick* Government, to paſs by the Nocent, is equal injuſtice, as to puniſh the Innocent. An omiſſion of that duty now, will be a guilt in us, render us ſham'd in Hiſtory, curſt by poſterity; our gracious and (in that act of voluntary Juſtice) moſt glorious King, hath given up to the ſatisfaction of his afflicted People, the Authors of their Ruines: The power of future preſervation is now in us. *Et qui non ſervat patriam, cum poteſt, idem facit deſtruenti patriam.*

VVhat though we cannot reſtore the damage of the Commonwealth, we may yet repair the breaches in the bounds of Monarchy. Though it be with our loſs and charge, we ſhall ſo leave our Childrens Children, fenced as with a wall of ſafety, by the reſtauration of our Laws to their ancient vigour and luſtre.

'Tis too true, and 'tis to be feared, the Revenues of the Crown, ſold out-right, would ſcarce remunerate the injuries, repay the loſſes of this ſuffering Nation, ſince the pronounciug of that fatal Sentence. VVhat proportionable Satisfaction then can this Commonwealth receive, in the puniſhment of a few inconſiderable Delinquents? But 'tis a *Rule* valid in Law, approved in Equity, that *Qui non habent in crumenâ Luant in Corpore.* And 'tis without all queſtion in policy, Exemplary puniſhments conduce more to the ſafety of a State, *than pecuniary reparations; Hope of impunity lulls every bad-great-Officer into ſecurity for his time; and who would not venture to raiſe a Fortune, when the allurements of Honour and Wealth are ſo prevalent, if the worſt that can fall, be but Reſtitution?*

VVe ſee the bad effects of this bold erroneous opinion; what was at firſt but corrupt Law, by encouragement taken from their impunity, is ſince become falſe Doctrine; the people taught in Pulpits, They have no property; Kings inſtructed in that deſtructive Principle, that all is theirs, and is thence deduc'd into neceſſary ſtate-policy, whiſpered in Councel, That he is no Monarch, who is bounded by any *Law.*

By which bad Conſequences, the beſt of Kings hath heen by the infuſion of ſuch poyſonous poſitions diverted from the ſweet inclinations of his own Natural Equity and Juſtice, the very eſſence of a King taken from him, which is preſervation of his people: And whereas *Salus populi* is, or ſhould be, *Suprema Lex*, the power of undoing us is maſqu'd under the ſtile of what ſhould be Sacred, Royal Prerogative.

And is it not high time to make examples of the firſt Authors of this ſubverted *Law, bad Councel, worſe Doctrine?*

Let

An. 1640.

Let no man think to divert us from the purſuit of Juſtice, by poyſoning the clear ſtreams of our affection with jealous fears of His Majeſties Interruption, if we look too high; ſhall we therefore doubt of Juſtice, becauſe we have need of great Juſtice? We may be confident the King well knows, That his Juſtice is the Band of our Allegiance: That 'tis the ſtaff, the proof of his Soveraignty.

Tis a happy aſſurance of his intentions of grace to us, that our Loyalty hath at laſt won him to tender the ſafety of his people: And certainly (all our preſſures well weighed this 12 years laſt paſt) it will be found the paſſive Loyalty of this ſuffering Nation, hath out-done the active duty of all Times and Stories. As the Poet hath it, *fortiter ille facit, qui miſer eſſe poteſt*; I may as properly ſay, *Fideliter fecimus*, we have done Loyally to ſuffer ſo *patiently*.

Then ſince our Royal *Lord* hath in mercy viſited us, let us not doubt, but in his Juſtice he will redeem his people. *Qui timidè rogat docet negare.* But when Religion is innovated, our Liberties violated, our Fundamental Laws abrogated, our modern Laws already obſoleted, the propriety of our Eſtates alienated; nothing left us we can call our own, but our miſery and our patience: If ever any Nation might juſtifiably, this certainly may now, now moſt properly, moſt ſeaſonably cry out, and cry aloud, *Vel Sacra Regnet Juſti cia, vel Ruat Cœlum.*

Mr. *Speaker*, The ſum of my humble motion, is, That a ſpecial *Committee* may be appointed, to examine the whole carriage of that Extrajudicial Judgment. VVho were the Councellors, Solliciters, and Subſcribers to the ſame: The reaſons of their Subſcription, whether according to their opinions; by importunity or preſſure of others, whether *pro forma tantum.* And upon report thereof, to draw up a charge againſt the guilty, and then *Lex Currat, Fiat Juſticia.*

Die Mercurii, 23 die Decemb. Lord Chief Baron appears

The Lord Chief Baron *Davenport* appeared in the Houſe of Lords, and ſubmitted himſelf to their Lordſhips Pleaſure, and conſented to enter into a Recognizance of the ſame condition as the Judges yeſterday did; which was done accordingly.

Sureties for the Biſhop of *Ely.*

The Biſhops of *Bangor*, *Peterborough*, and *Landaff*, became bound to the King in 10000 *l.* for the forth-coming of *Matthew Wren*, Lord Biſhop of *Ely*; and his being preſent at the Judgment of the Houſe of Lords againſt him, if any ſhould be.

Order for the Archbiſh. of *Canterbury*'s taking the air.

The Archbiſhop of *Canterbury*, upon his Petition to the Houſe of Lords, had leave to go abroad to take the Air for his Health's-ſake, but in the Company and Preſence of Mr. *Maxwell*, Gentleman Uſher to the Houſe; and to ſpeak with no body at ſuch times, but in Mr. *Maxwell*'s preſence, who was to be anſwerable for his Grace's forth-coming, when he is with him.

Biſhops excuſed from attendance on *Chriſtmas* day.

It was moved in the Lords Houſe, in regard to morrow was *Chriſtmas* Day, That the Lords the Biſhops might be excuſed from attending the Houſe: Whereupon it was Ordered, That as many of the Biſhops as will come, may, the reſt to be excuſed for their Abſence.

Whereas an Order was formerly made, That the Cuſtomers ſhould pay no Money but for the Maintenance of the King's Houſhold; it was this day revoked, by reaſon they were to pay Money taken out of the Tower.

Thurſday, Decemb. 24.

It was reſolved by queſtion of the Houſe, That the Proceedings againſt the Lord *Mount-Norris*, and the Lord *Dillon*, two *Iriſh* Lords, by the Lord Lieutenant of *Ireland*, and the Council there, were illegal; and that the Judges ought to be called in queſtion, and puniſhed for the ſame.

Friday the 25*th.* was *Chriſtmas*-Day; and upon *Saturday*, the 26*th.* the Bill of Subſidies was only read and debated on.

Monday, Decemb. 28.

It was Ordered, That the Committee concerning the Lieutenant of *Ireland*, and the Archbiſhop of *Canterbury*, have Power to make Reparations to the Parties that complain for the Wrongs they have ſuſtained.

This day was Reported from the Houſe of Lords, by Sir *Henry Vane*, from

An. 1640. from a Conference had with the Lords, That the *4th.* and *5th.* Article of the *Scots*, are condeſcended unto; *viz.* The Puniſhment of the *Scots* in their own Countrey, and of the *Engliſh* here; and the Reſtoration of their Ships taken ſince the War; and that the King would protect no man, nor keep them in any Service or Office, without conſent of Parliament. This day a Ceſſation of Arms for a Month longer, was agreed upon, according to the Agreement formerly made.

A Meſſage ſent to the Lords, to deſire them to requeſt the *Scottiſh* Lords to make good their Proofs with all ſpeed, againſt the Lord Lieutenant of *Ireland*, and the Archbiſhop of *Canterbury*, that ſo their Lordſhips may proceed to Sentence againſt them.

Tueſday, Decemb. 29. *Wil. Pierce*, ſon to the Biſhop of *Bath and Wells.* An Information was given by Alderman *Pennington*, That *William Pierce*, Arch-Deacon, Son to the Biſhop of *Bath and Wells*, ſhould ſay in Mr. *Coleman*'s houſe, who ſeemed to be concerned at the Diſſolution of the laſt Parliament, *A Pox of God take them all, for a company of Puritanical factious fellows, that would wyer-draw the King for Money*; ſaying, *That a* Spaniſh *Don would lend him Two Millions*; and, *That the King would never be at quiet, till he had taken off Twenty or more of their heads.* This being proved by three Witneſſes, he was upon his Knees at the Bar, and denied it; ſo he was delivered to the Serjeant at Arms, till the Houſe ſhould proceed to Cenſure.

From this day the Houſe Adjourned till *Saturday* the *9th* of *January*, by reaſon of *Chriſtmas* week, and *New-years* day.

Saturday, Jan. 9. 164$\frac{0}{1}$. The Bill for Subſidies was read again; and a Citizen queſtioned for Printing a Book, containing an Order of the Houſe concerning the ſetting up of Preaching Miniſters in every place, and the removing of ſcandalous ones; to which Order he had added divers directions of his own; for which he was glad to ſubmit himſelf, and ſo was acquitted.

Monday, Jan. 11. The Petition of the Creditors of *Childe* the Scrivener, was read in the Houſe, and referred to a Committee to conſider of it; and it was intended that a Bill ſhould be drawn for an Act to prevent ſuch Fraud hereafter.

Divers Motions were made this day concerning Sheriffs rigorous Proceedings in the Levying of Ship-Money; and it was moved, that there might be a difference made between thoſe that Levied according to the Writ, and thoſe who proceeded according to Inſtructions, by Impriſoning of Parties and Conſtables, and cauſing them to be ſent for by Purſevants.

A Bill was put up in the Houſe for a Parliament to be held once in Three Years; and a Committee choſen for perfecting of it, that ſo it might be ſent up to the Lords.

Tueſday, Jan. 12. An Order was made, That Committees ſhould ſit till theſe buſineſſes were diſpatched: 1. Concerning the Earl of *Strafford*. 2. The Archbiſhop of *Canterbury*. 3. The Canons. 4. The Lord Keeper. 5. Secretary *Windebank*. 6. The Biſhop of *Bath* and *Wells*. 7. The Privilege of the Subject, and Breach of Privilege of Parliament. 8. The Proceedings of the Council-Table. 9. The King's Court of Honour. 10. Ship-Money, and the rigorous Levying of it. 11. Abuſes of the Lord Lieutenant of *Ireland*. 12. The Town of *Weymouth*, concerning the reſtraining Salt, Soap, *&c.* 13. For frequent holding of Parliaments, a Bill being drawn already for one every Three years. 14. The Committee for Religion. 15. Trade. 16. The Courts of Juſtice.

Order was taken with ſome of the Cuſtom-Houſe, for the proviſion of 60000 pounds within eight days now coming, and 20000 pounds within Twenty days after that.

Alſo

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Alſo this day ſeveral Petitions were put into the Houſe, in the behalf of Three ſeveral Counties, concerning the Evils ſuffered by reaſon of the Government of Biſhops.

For and on the behalf of the County of *Kent*, this enſuing Petition was delivered.

To the Honourable Houſes of Parliament now Aſſembled.

The Humble Petition of many of the Inhabitants within His Majeſty's County of *KENT*.

Moſt Humbly Shewing,

The *Kentiſh* Petition againſt Biſhops.

THat by ſad experience we do daily find the Government of the Church of *England*, by Archbiſhops, Biſhops, Deans and Arch-deacons, with their Courts, Juriſdictions, and Adminiſtrations by them and their Inferior Officers, to be very dangerous both to Church and Commonwealth; to be the occaſions of manifold Grievances unto his Majeſty's Subjects in their Conſciences, Liberties, and Eſtates, and likely to be fatal to us in the continuance thereof; the dangerous Effects of which Lordly Power in them, have often appeared in theſe Particulars following:

1. They do (with a hard hand) over-rule all other Miniſters, ſubjecting them to their cruel Authority.

2. They do ſuſpend, puniſh, and deprive many godly, religious, and painful Miniſters, upon ſlight or no grounds: whilſt in the mean time, few of them do preach the VVord of God themſelves, and that but ſeldom. But they do reſtrain the painful Preaching of others, both for Lectures, and for Afternoon Sermons on the Sabbath day.

3. They do countenance, and have of late encouraged Papiſts, Prieſts, and Arminian both Books and Perſons.

4. They hinder good and godly Books to be Printed; yet they do licenſe to be publiſhed, many Popiſh, Arminian, and other dangerous Tenents.

5. They have deformed our Churches with Popiſh Pictures; and ſuited them with *Romiſh* Altars.

6. They have of late extolled and commended much the Church of *Rome*, denying the Pope to be Antichriſt; affirming the Church of *Rome* to be a true Church in Fundamentals.

7. They have practiſed and enforced antiquated and obſolete Ceremonies, as ſtanding at the Hymns, at *Gloria Patri*, and turning to the *Eaſt* at ſeveral parts of the Divine Service, bowing to the Altar, which they term the place of God's Reſidence upon Earth; the reading of a Second Service at the Altar, and denying the Holy Sacrament of the Euchariſt to ſuch as have not come up to a new-ſet Rail before the Altar.

8. They have made and contrived illegal Canons and Conſtitutions, and framed a moſt pernicious and deſperate Oath; an Oath of Covenant and Confederacy for their own Hierarchical Greatneſs, beſides many other dangerous and pernicious paſſages in the ſaid Canons.

9. They do diſpence with Plurality of Benefices; they do both prohibit and grant Marriages, neither of them by the Rule of Law or Conſcience, but do prohibit that they may grant, and grant that they may have money.

10. They have procured licentious liberty for the Lords-day, but have preſſed the ſtrict obſervation of Saints Holy-days, and do puniſh, ſuſpend, degrade, deprive Godly Miniſters for not publiſhing a Book for liberty of Sports on the Sabbath-day.

11. They do generally abuſe the great Ordinance of Excommunication, making ſometimes a gain of it, to the great diſcomfort of many poor ſouls, who for want of money, can get no Abſolution.

12. They

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12. They claim their Office and Juriſdiction to be *Jure Divino*, and do exerciſe the ſame (contrary to Law) in their own Names, and under their own Seals.

13. They receive and take upon them Temporal Honours, Dignities, Places and Offices in the Commonwealth, as if it were lawful for them to uſe both Swords.

14. They take cognizance in their Courts and elſewhere, of matters determinable at the Common Law.

15. They put Miniſters upon Pariſhes, without the Patron, and without the Peoples conſent.

16. They do yearly impoſe Oaths upon Church-Wardens, to the moſt apparent danger of filling the Land with Perjury.

17. They do exerciſe Oaths *ex Officio*, in the nature of an *Inquiſition*, even into the thoughts of men.

18. They have apprehended men by Purſevants, without citation or miſſives firſt ſent: They break up mens houſes and ſtudies, taking away what they pleaſe.

19. They do awe the Judges of the Land with their greatneſs, to the inhibiting of Prohibitions, and hindring of *Habeas Corpus* when it is due.

20. They are ſtrongly ſuſpected to be confederate with the *Roman* Party in this Land, and with them to be Authors, Contrivers, or Conſenters to the preſent Commotions in the *North*; and the rather, becauſe of Contribution by the Clergy, and by the Papiſts in the laſt year, 1639. and becauſe of an ill-named Benevolence of ſix Subſidies granted or intended to be granted this preſent year 1640. thereby, and with theſe monies to engage (as much as in them lieth) the two Nations into blood.

It is therefore humbly and earneſtly prayed, That this Hierarchical Power may be totally abrogated, if the Wiſdom of this Honourable Houſe ſhall find that it cannot be maintained by God's Word, and to his Glory.

And we your Petitioners ſhall ever pray.

Londoners Petition concerning Eccleſiaſtical Government

Ordered, That the *Londoners* Petition, and thoſe other Petitions that are already delivered in, or ſhall in the mean time be delivered concerning the *Eccleſiaſtical Government*, ſhall be read, and debated on *Monday* come ſeven-night. And Mr. *Speaker* is Ordered to put the Houſe in mind of this Order at the ſame time.

Mr. *Smart* againſt three Doctors of the Civil-Law.

Ordered, That Dr. *Eaſdale*, *Roger Blanchard*, and *Phineas Hodſon*, Doctor in Divinity, ſhall ſhew cauſe unto this Houſe why they do not pay the Moneys adjudged to be paid to Mr. *Peter Smart*, *upon a Judgment in the Kings-Bench*, againſt the ſaid *Eaſdale*, *Hodſon*, and *Blanchard*, at the Suit of the ſaid *Peter Smart* about Ten years ſince.

The Accuſations and Impeachment of John *Lord* Finch, *Baron of* Fordwich, *Lord Keeper of the Great Seal of* England, *by the Houſe of Commons.*

Articles of Impeachment againſt Lord Keeper *Finch*, Jan. 14. 1640.

Vide *the Relation of this taken out of the King's Declaration in the paſſage*, Dec. 5. 1640.

Imprimis. THat the ſaid *John* Lord *Finch*, Baron of *Fordwich*, Lord Keeper, *&c.* hath Traiterouſly and Wickedly endeavoured to ſubvert the Fundamental Laws and Eſtabliſhed Government of the Realm of *England*, and inſtead thereof, to introduce an Arbitrary and Tyrannical Government againſt Law, which he hath declared by Trayterous and Wicked Words, Counſels, Opinions, Judgments, Practices, and Actions.

2. That in purſuance of thoſe his Trayterous and wicked purpoſes, he did in the Third and Fourth year of his Majeſties Reign, or one of them, being then Speaker of the Commons Houſe of Parliament, contrary to the Commands of the Houſe then aſſembled and ſittting, deny and hinder the reading of ſome things which the ſaid Houſe of Commons required to be read for the ſafety of the King and Kingdom, and preſervation of the Religion of this Realm; and did forbid all the Members of the Houſe to ſpeak, and ſaid, That if any did offer to ſpeak, he would riſe and go away, and ſaid nothing ſhould be then done in the Houſe, and did offer to riſe and go away; and did thereby and otherwiſe, in as much as in him lay, endeavour to ſubvert the ancient and undoubted Rights and courſe of Parliaments.

3 That

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3. That he being of his Majeſty's Council at the Juſtice Seat held for the County of *Eſſex*, in the Month of *October*, in the Tenth year of his now Majeſties Reign, at *Stratford Langton* in the ſame County, being then of his Majeſties Councel, in that Service did practice by unlawful means, to enlarge the Foreſt of that County, many miles beyond the known bounds thereof, as they had been enjoyed near 300 years, contrary to the Law, and to the Charter of the Liberties of the Foreſt, and other Charters, and divers Acts of Parliament: And for effecting the ſame, did unlawfully cauſe and procure undue Returns to be made of Jurors, and great numbers of other perſons who were unſworn, to be joined to them of the Jury, and threatned and awed the ſaid Jurors to give a Verdict for the King, and by unlawful means did ſurprize the County, that they might not make Defence, and did uſe ſeveral menacing wicked Speeches and Actions, to the Jury and others, for obtaining his unjuſt purpoſe aforeſaid; and after a Verdict obtained for the King in the month of *April* following (at which time the ſaid Juſtice-Seat was called by adjournment) the ſaid *John* Lord *Finch*, then Lord Chief Juſtice of his Majeſties Court of Common-Pleas, and one of the Judges aſſiſtants for them, continued by further unlawful and unjuſt practices, to maintain and confirm the ſaid Verdict, and did then and there, being aſſiſtant to the Juſtice in *Eyre*, adviſe the refuſal of traverſe offered by the County, and all their Evidences, but only what they ſhould verbally deliver, which was refuſed accordingly.

4. That about the Month of *November*, 1635. he being then Lord Chief Juſtice of the Common-Pleas, and having taken an Oath for the due adminiſtration of Juſtice to his Majeſties Liege People, according to the Laws and Statutes of this Realm, contrived an Opinion in *hæc verba*, (When the good and ſafety, *&c.*) and did ſubſcribe his name to that opinion, and by perſwaſions, threats, and falſe ſuggeſtions, did ſollicit and procure Sir *John Bramſtone* Kt. then and now Lord Chief Juſtice of *England*, Sir *Humphrey Davenport* Kt. Lord Chief Baron of his Majeſty's Court of Exchequer, Sir *Richard Hutton* Kt. late one of the Juſtices of his Majeſty's Court of Common-Pleas, Sir *John Denham* Kt. late one of the Barons of his Majeſties Court of Exchequer, Sir *William Jones*, Kt. late one of the Juſtices of the ſaid Court of Kings-Bench, Sir *George Crook*, then and now one of the Judges of the ſaid Court of Kings-Bench, Sir *Thomas Trevor* Kt. then and now one of the Barons of the Exchequer, Sir *George Vernon* Kt. late one of the Juſtices of the ſaid Court of Common-Pleas: Sir *Robert Barkley* Kt. then and now one of the Juſtices of the ſaid Court of Kings-Bench, Sir *Francis Crawley* Kt. then and now one of the Juſtices of the ſaid Court of Common-Pleas, Sir *Rich. Weſton*, Kt then and now one of the Barons of the ſaid Court of Exchequer, ſome or one of them to ſubſcribe with their names the ſaid Opinion preſently; and enjoined them ſeverally, ſome or one of them ſecreſie upon their Allegiance.

5. That he the Fifth of *June*, then being Lord Chief Juſtice of the ſaid Court of Common-Pleas, ſubſcribed an extrajudicial opinion in anſwer to queſtions in a Letter from his Majeſty, *in hæc verba*, &c.

And that he contrived the ſaid queſtions, and procured the ſaid Letter from his Majeſty; and whereas the ſaid Juſtice *Hutton*, and Juſtice *Crook*, declared to him their Opinions to the contrary, yet he required and preſſed them to ſubſcribe, upon his promiſe that he would let his Majeſty know the truth of their opinions, notwithſtanding ſuch ſubſcriptions, which nevertheleſs he did not make known to his Majeſty, but delivered the ſame to his Majeſty as the Opinon of all the Judges.

6. That he being Lord Chief Juſtice of the ſaid Court of Common-Pleas, delivered his Opinion in the Chequer-Chamber againſt Mr. *Hampden* in the caſe of Ship-money; That he the ſaid Mr. *Hampden* upon the matter and ſubſtance of the caſe, was chargeable with the Money then in queſtion; a Copy of which Proceedings the Commons will deliver to your Lordſhips, and did ſollicite and threaten the ſaid Judges, ſome or one of them, to deliver their Opinions in like manner againſt Mr. *Hampden*; and after the ſaid Baron *Denham* had delivered his Opinion for Mr. *Hampden*, the ſaid Lord *Finch* repaired purpoſely to the ſaid Baron *Denham*'s Chamber in Serjeants-Inn in *Fleetſtreet*, and after the ſaid Mr. Baron *Denham* had declared and expreſſed his Opinion, urged him to retract the ſaid Opinion, which he refuſing, was threatned by the Lord *Finch* becauſe he refuſed.

7. That he then being Lord Chief Juſtice of the Court of *Common-Pleas*, declared and publiſhed in the Exchequer Chamber, and *Weſtern* Circuit where he went Judge, That the King's Right to Ship-money, as aforeſaid, was ſo inherent a Right to the Crown, as an Act of Parliament could not take it away; and with divers

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malicious Speeches inveighed againſt, and threatned all ſuch as refuſed to pay Ship-money: All which Opinions contained in the Fourth, Fifth, and Sixth Articles, are againſt the Law of the Realm, the Subjects Right of Property, and contrary to former Reſolutions in Parliament, and to the *Petition of Right*: which ſaid *Reſolutions*, and *Petition of Right*, were well known to him, and Reſolved and Enacted in Parliament, when he was *Speaker* of the Commons Houſe of Parliament.

8. That he being Lord Chief Juſtice of the Court of Common-Pleas, did take the general practice of that Court to his private Chamber; and that he ſent Warrants into all or many Shires of *England* to ſeveral men, as to *Francis Giles* of the County of *Devon*, *Robert Benſon* of the County of *York*, Attorneys of that Court, and to divers others, to releaſe all perſons arreſted on any outlawry for about 40 ſhillings fees; whereas none by Law ſo arreſted, can be bailed or releaſed without Superſedeas under Seal or Reverſal.

9. That he being Lord Chief Juſtice of the Court of Common-Pleas, upon a pretended Suit begun in *Michaelmas* Term, in the 11*th* year of his Majeſty's Reign, altho there was no plaint or Declaration againſt him, did notoriouſly and contrary to all Law and Juſtice, by Threats, Menaces, and Impriſonment, compel *Thomas Lawrence*, an Executor, to pay 19 pounds 12 ſhillings; and likewiſe cauſed *Richard Bernard*, being only Overſeer of the laſt Will of that Teſtator, to be Arreſted for the Payment of the ſaid Money, contrary to the Advice of the reſt of the Judges of that Court, and againſt the known and ordinary courſe of Juſtice, and his ſaid Oath and Knowledge; and denied his Majeſty's Subjects the common and ordinary Juſtice of this Realm, as to Mr. *Limerick* and others; and for his private benefit endamaged and ruined the Eſtates of very many of his Majeſties Subjects, contrary to his Oath and Knowledge.

10. That he being Lord Keeper of the Great Seal of *England*, and ſworn one of His Majeſty's Privy-Councel, did by falſe and malicious ſlanders, labour to incenſe his Majeſty againſt Parliaments, and did frame and adviſe the publiſhing the Declaration after the Diſſolution of the laſt Parliament.

All which Treaſons and Miſdemeanors above-mentioned, were done and committed by the ſaid *John* Lord *Finch*, Baron of *Fordwich*, Lord Keeper of the Great Seal of *England*, and thereby he the aforeſaid *Finch* hath Trayterouſly, and contrary to his Allegiance, laboured to lay Imputations and Scandals upon his Majeſties Government, and to alienate the hearts of his Majeſties Liege-people from his Majeſty, and to ſet a diviſion between them, and to ruin and deſtroy his Majeſty's Realm of *England*; for which they do Impeach him the ſaid Lord *Finch*, Baron of *Fordwich*, Lord Keeper of the Great Seal of *England*, of High-Treaſon againſt our Soveraign Lord the King, his Crown and Dignity, of the Miſdemeanors abovementioned. *And the ſaid Commons by Proteſtation, ſaving to themſelves the liberty of exhibiting at any time hereafter, any other Accuſation or Impeachment againſt the ſaid Lord* Finch, *and alſo of replying to the anſwer, that the ſaid* John *Lord* Finch *ſhall make unto the ſaid Articles, or to any of them, and offering proof of the premiſſes, or any of their Impeachments or Accuſations that ſhall be exhibited by them, as the caſe ſhall according to the courſe of Parliaments require, do pray, That the ſaid* John *Lord* Finch, *Baron of* Fordwich, *Lord Keeper of the Great Seal of* England, *may be put to anſwer to all and every of the Premiſſes, and ſuch Proceedings, Examinations, Tryals, and Judgments, may be upon every of them, had and uſed, as is agreeable to Law and Juſtice.*

The Opinion mentioned in the 4*th* Article, with the Letter, Queſtions and Opinion related to in the 5*th* Article, are to be ſeen in our Second Part, formerly Publiſhed.

Reſolved upon the Queſtion,

That theſe Articles thus read and engroſſed, ſhall be ſent up to the Lords, in maintenance of the Commons Charge againſt *John* Lord *Finch* of *Fordwich*, late Lord Keeper of the Great Seal of *England*.

Meſſage concerning *John* Lord *Finch*.

Mr. *Arthur Goodwin* is appointed to go up with a Meſſage to the Lords to deſire a Conference with their Lordſhips, by a Committee of both Houſes, concerning Articles to be delivered in maintenance of the Commons Accuſation of *John* Lord *Finch* of *Fordwich*, late Lord Keeper of the Great Seal of *England*, and concerning the Liberty and Property of the Subject.

Ordered,

Caroli 16.

Ordered, That the Committee for the Biſhop of *Ely*, ſhall have power to receive all Complaints of Preſſures and Enormities committed by or under the preſent Biſhop of *Norwich*; but they are to proceed firſt with the matters concerning the Biſhop of *Ely*.

Biſhop of *Ely*.

Delinquents diſcharg'd for breach of Privilege.

Mr. *Bany*, *Thomas Plenty*, and *John Carter*, who were formerly by Order from this Houſe ſent for as Delinquents by the Serjeant at Arms attendant on this Houſe, to anſwer the Contempts *in arreſting and cauſing to be arreſted* ſeveral of the Servants of Mr. *Hollis*, a Member of this Houſe, *during the time of Privilege of Parliament*, were ſeverally called in to the Bar, and kneeling there, and acknowledging their offence, were, by Order of the Houſe, made known unto them by Mr. *Speaker*, diſcharged from their Impriſonment, or any further Puniſhment.

Mr. *Hide*.

At the requeſt of the Lord Faulkland, *Mr.* Hide *is appointed to be aſſiſtant unto him*, for the reading of the Articles to be delivered againſt the late Lord Keeper.

Lord Keeper.

Mr. *Goodwin* brings Anſwer, That according to the Order of this Houſe, he had delivered the Meſſage to their Lordſhips; and their Lordſhips will give a meeting to morrow morning at Nine of the Clock, by a Committee of the whole Houſe, as is deſired.

Lord *Faulkland's* SPEECH.

Lord *Faulkland's* Speech after the reading the Articles againſt the Lord Keeper *Finch*, *Jan.* 14. 1640.

Mr. Speaker,

THeſe Articles againſt my Lord *Finch* being read, I may be bold to apply that of the Poet, *Nil refert tales verſus qua voce legantur*; and I doubt not but your Lordſhips muſt be of the ſame Opinion, of which the Houſe of Commons appears to have been by the choice they have made of me, that the Charge I have brought is ſuch, as needs no aſſiſtance from the bringer, leaving not ſo much as a colour for any defence, including all poſſible Evidence, and all poſſible aggravation, that addition alone excepted, which he alone could make, and hath made, I mean his Confeſſion, included in his flight.

Here are many and mighty Crimes, *Crimes of Supererogation*, (ſo that High-Treaſon is but a part of his Charge) purſuing him fervently in every ſeveral Condition, (being a ſilent Speaker, an unjuſt Judg, and an unconſcionable Keeper.) That his life appears a perpetual Warfare, (by Mines, and by Battery, by Battel, and by Stratagem) againſt our Fundamental Laws, which by his own Confeſſion, ſeveral Conqueſts had left untouch't; againſt the Excellent Conſtitution of this Kingdom, which hath made it appear unto ſtrangers rather an Idea, then a real Commonwealth, and produced the honour and happineſs of this, to be a wonder of every other Nation, and this with ſuch unfortunate ſucceſs, that as he always intended to make our Ruins a ground of his advancement; ſo his advancement the means of our further ruin.

After that, contrary to the end of his Place, and the end of that meeting in which he held his place, he had as it were gagg'd the Commonwealth, taking away, (to his power) all Power of Speech from that body, of which he ought to have been the Mouth, and which alone can perfectly repreſent the condition of the people, whom that body only repreſents; which if he had not done, in all probability, what ſo grave and judicious an Aſſembly might have offered to the conſideration of ſo gracious and juſt a Prince, had occaſioned the redreſs of the Grievances they then ſuffered, and prevented thoſe which they have ſince endured, according to the ancient Maxim of *Odiſſe quos læſeris*; he purſued this offence towards the Parliament, by inveighing againſt the Members, by ſcandalizing their proceedings, by trampling upon their *Acts* and *Declarations*, by uſurping and devolving the right, by diminiſhing and abrogating the power, both of that and other Parliaments, and making them (as much as in him lay) both uſeleſs and odious to His Majeſty; and purſued his hatred to this Fountain of Juſtice, by corrupting the Streams of it, the Laws; and perverting the Conduit-Pipes, the Judges.

An. 1640.

He practiſed the annihilating of Ancient and Notorious perambulations of particular Foreſts, the better to prepare himſelf to annihilate the Ancient, and Notorious perambulations of the whole Kingdom, the meets and bounders between the Liberties of the Subject, and Soveraign Power; he endeavoured to have all Tenures *durante bene placito*; to bring all Laws from His Majeſties Courts, into His Majeſties breaſt; he gave our Goods to the King, our Lands to the Deer, our Liberties to his Sheriffs; ſo that there was no way by which we had not been oppreſt, and deſtroyed, if the power of this Perſon had been equal with his Will: Or that the will of His Majeſty had been equal to his Power.

He not only by this means made us liable to all the effects of an Invaſion from without, but (by deſtruction of our Liberties, which included the deſtruction of our propriety, which included the deſtruction of our Induſtry) to the terribleſt of all Invaſions, that of Want and Poverty. So that if what he plotted had taken root (and he made it as ſure as his Declaration could make it (what himſelf was not) Parliament proof) in this wealthy and happy Kingdom, there could have been left no abundance but of grievances and diſcontentment; no ſatisfaction but amongſt the guilty. It is generally obſerved of the Plague, that the infection of others, is an earneſt, and conſtant deſire of all that are ſeized by it: and as this deſign reſembles that diſeaſe, in the ruin, deſtruction, and deſolation it would have wrought; ſo it ſeems no leſs like it in this effect: he having ſo laboured to make others ſhare in that guilt, that his ſollicitation was not only his Action, but his works, making uſe both of his Authority, his Intereſt, and Importunity, to perſwade; and in His Majeſties Name (whoſe Piety is known to give that excellent prerogative to his Perſon, that the Law gives to his Place, not to be able to do wrong) to threaten the reſt of the Judges, to ſign Opinions contrary to Law, to aſſign Anſwers contrary to their Opinions, to give Judgment which they ought not to have given, and to recant Judgment, when they had given it as they ought; ſo that whoſoever conſiders his care of, and concernment, both in the growth and in the immortality of this project, cannot but by the ſame way by which the wiſeſt Judgment found the true Mother of the Child, diſcover him, not only to have been the Foſterer, but the Father of this moſt pernicious and envious deſign.

I ſhall not need to obſerve, that this was plotted and purſued by an *Engliſh* man againſt *England*, (which encreaſeth the Crime in no leſs degree than parricide is beyond Murther) and this was done in the greateſt matter joyned to the greateſt Bond, being againſt the greateſt Liberty, and publick propriety, by a ſworn Judge (and if ſalt it ſelf become vnſavoury, the Goſpel it ſelf hath deſign'd whether it muſt be caſt) that he poyſoned our very Antidotes, and turned our Guard into a deſtruction, making Law the ground of illegality: that he uſed the Law not only againſt us, but againſt it ſelf; making it, as I may ſay; *Felo de ſe*, making the pretence, (for I can ſcarce ſay, the appearance of it) ſo to contribute to the utter ruin of it ſelf.

I ſhall not need to ſay, that either this is (or can be) of the higheſt kind, and in the higheſt degree Parliamentary Treaſon, a Treaſon which needs not a computation of many ſeveral actions, which alone were not Treaſon, to prove a Treaſon altogether, and by that demonſtration of the intention, to make that formally Treaſon which were materially but a miſdemeanour. This is a Treaſon as well againſt the King, as againſt the Kingdom; for whatſoever is againſt the whole, is undoubtedly againſt the Head, which takes from His Majeſty the ground of his Rule, the Laws, (for if Foundations be deſtroyed, the Pinacles are moſt endangered) which takes from His Majeſty the principal Honour of his Rule, the Ruling over Free-men, a power as much Nobler than that over Villains, as that is than that over beaſts; which endeavoured to take from His Majeſty the principal ſupport of his Rule, the hearts and affections of thoſe over whom he rules (a better and ſurer wall to the King, than the Sea is to the Kingdom) and ſtrengthen a mutual diſtruſt, and by that a mutual diſaffection between them, to hazard the danger even of the deſtruction of both.

My Lords,

I ſhall the leſs need to preſs this, becauſe, as it were unreaſonable in any caſe to ſuſpect your Juſtice, ſo here eſpecially, where your intereſt ſo nearly unites you; your great ſhare in poſſeſſions, giving you an equal concernment in propriety; the care and pains uſed by your Noble Anceſtors in the founding and aſſerting of our Common Liberties, rendring the juſt defence of them, your moſt proper and peculiar

culiar inheritance, and both exciting to oppoſe and extirpate all ſuch deſigns as did introduce, and would have ſetled an Arbitrary, that is, an Intolerable form of Government, and have made even your Lordſhips and your poſterity but Right Honourable Slaves. 16 *Caroli*

My Lords,

I will ſpend no more words, *Luctando cum larva*, in accuſing the Ghoſt of a departed Perſon, whom his Crimes accuſe more than I can do; and his abſence accuſeth no leſs than his Crimes. Neither will I excuſe the length of what I have ſaid, becauſe I cannot add to an excuſe, without adding to the Fault; or my own imperfections, either in the matter or manner of it, which I know muſt appear the greater, by being compared with that learned Gentleman's great Ability, who hath preceded me at this time: I will only deſire by the Command, and in the behalf of the Houſe of Commons, that theſe proceedings againſt the Lord *Finch*, may be put in ſo ſpeedy a way of diſpatch, as in ſuch caſes the courſe of Parliament will allow.

Thurſday, Jan. 14*th.*

A Bill for the Limitation and Abbreviation of *Michaelmas* Term, read the firſt time. *Michaelmas* Term.

That the Committe for the Judges do ſit this Afternoon till Two of the Clock, in the Dutchy Chamber. Judges.

Ordered, That thanks be rendred from this Houſe to Mr. *St. Johns* and Mr. *Whitlock*, the Lord *Faulkland*, and Mr. *Hide*, for the great ſervice they have performed to the Honour of this Houſe, and good of the Commonwealth, in the transferring the buſineſſes of the Ship-money, and the other matters concerning the Liberty and Property of the Subjects, and the Articles againſt the late Lord Keeper. Members thanked for tranſmitting to the Lords the ſeveral charges, and Ship-money.

Die Veneris Jan. 15.

Ordered, That the buſineſs between Sir *Francis Popham*, and Sir *Edward Bainton*, concerning the *Election* for the Town of *Chippenham* in the County of *Wilts*, now depending before the Committee for Privileges, and by them Ordered to be heard on *Thurſday* next, be put off till *Thurſday* come fortnight, in regard the Witneſſes that are to be produced in the ſaid Cauſe, live far off. Election, *January* 15

A Bill for the Naturalizing of *James Bove* Merchant, and others. *James Bove.*

A Bill declaring the Ancient and Common Law of the Land, concerning *Salt-marſhes*, Inned ground, *&c.* read the firſt time. Salt Marſhes.

The buſineſs concerning the Election for *Boſſiny* to ſtand as it does till after *Thurſday* next, at which time the Committee for Privileges is to enter into the Conſideration of it. Election *Boſſiny.*

Ordered, That the Committee appointed to draw up the Charge againſt the Earl of *Strafford*, ſhall deſire to have the Depoſitions that are yet Sealed up, as delivered unto them, and may add and inſert ſuch particular inſtances, and other circumſtances, as they in their diſcretions ſhall think fit, to the ſeveral Articles delivered in Charge againſt the Earl of *Strafford*, according to the ſaving in the concluſion of thoſe Articles, and that they preſent the whole matter to the Houſe on *Monday* morning next. Depoſitions concerning the Earl of *Strafford.*

Ordered, That the buſineſs concerning the *Raiſing of Monies by the voluntary offers of the Members* of this Houſe, be reſumed in the firſt place to morrow Morning. Raiſing of money by the voluntary offer of Members.

Ordered, That a Letter under Mr. *Speaker*'s hand be directed to the Lord Mayor of *London*, to deſire him *to call a Common-Hall*, and to propound unto the Citizens the great occaſions that are for the raiſing of 60000 *l.* for the ſervice and ſafety of the *Commonwealth*, and to deſire their Aſſiſtance in this great Work, and to intimate unto them, That there To call a Common Council for raiſing of money upon Security of the Subſidies.

An. 1640.

there ſhall be proviſion in the Bill of ſubſidies, which is now ready to paſs, for the ſecurity of their Money and Intereſt, in the like manner as it is provided for others that have advanced Monies in the ſame kind.

Letter peruſed.

This Letter is to be peruſed by Sir *John Culpeper*, Mr. *Hampden*, and Mr. *Pym*, before it be ſent to the Lord Mayor.

Committee for the King's Army.

Ordered, That the Committee laſt appointed for the King's Army, do meet this Afternoon at Two of the Clock in the Court of Wards; to conſider of ſome heads to be preſented to the Houſe to morrow morning, concerning the buſineſs formerly committed unto them.

Subſidies.

Reſolved upon the Queſtion, That the Bill of Subſidies ſhall be Read upon *Monday* Morning next.

Ordered, That Mr. *Treaſurer* make Report of the Conference the 12*th* of *January* to morrow Morning.

Committee for the Arch-Biſhop of *Canterbury*.

The Committee for the Lord of *Canterbury*, to be put off till *Monday* next at Two of the Clock in the *Dutchy Chamber*.

Saturday Jan. 16. *Bedford* and Sir *Lewis Dives*.

Ordered, That the ſeveral Petitions delivered this day from the Knights, Eſquires and Gentlemen of the County of *Bedford*, and the Petition this day Exhibited by Sir *Lewis Dives*, be referred to the Committee formerly appointed for a former Petition exhibited by Sir *Lewis Dives* to be conſidered of when the Committees ſhall be Reaſſumed.

Mr. *Rich* his Writings.

Ordered, That *Samuel Rich* Clerk, ſhall have all his Evidences, Deeds, and other Wrirings, delivered unto him by Mr. *Conſtantine*, that hath the Chair for that buſineſs.

Biſhop of *Ely*.

The Petition of *John Ward*, and *Clement Wray*, on the behalf of themſelves, and about Fourſcore others, was Read and referred to the Committee for the Biſhop of *Ely*, for them to make the beſt uſe of it they can in the preparing of his Charge; and the Committee is required to bring the Petition to the Houſe on *Monday* come Seven-night.

Meſſage.

Mr. *Pym* went up to the Lords with a Meſſage to this effect:

Examinations againſt the Earl of *Strafford*.

To deſire their Lordſhips, That theſe Examinations which at the requeſt of this Houſe, were taken in the Caſe of the Earl of *Strafford* by the Lords Deputed to that purpoſe, may be delivered to the Committees of this Houſe, appointed to draw up the Charge againſt the ſaid Earl; that they may make uſe of them, for the enlarging of their Charge in particularities of Evidences, according to the Clauſe of reſervation in the concluſion of the ſaid Charge; and likewiſe to make declaration, that howſoever by the courſe of Parliaments, this Houſe might proceed with the Charge in General; yet to avoid all ſcruples, and to bring the buſineſs the ſooner to a concluſion, they do deſire to proceed in this way.

Commiſſioners for Subſidies.

The Names of the Commiſſioners for the *Subſidies*, are forthwith to be ſent to the Clerk of the *Petty-bag*, to prepare the Commiſſions with all the diligence and ſpeed he can.

Mr. *Rouſe* Reports Mr. *Foxleys* Caſe; And upon that Report

Mr. *Rouſe* Reports. Mr. *Foxley*'s Caſe.

It was Reſolved upon the Queſtion, That the Warrant made by Sir *John Lambe* and others, Commiſſioners for the apprehending of Mr. *Foxley*, and ſeizing his Papers, is Illegal and Unjuſt.

Reſolution.

Reſolved upon the Queſtion, That the Warrant under the hand of the Lord *Archbiſhop* of *Canterbury*, the Lord *Coventry* then Lord *Keeper*, the Lord *Treaſurer*, Lord *Privy Seal*, Lord *Cottington*, and Secretary *Windebanke*, for the Committing of Mr. *Foxley Cloſe Priſoner*, is Illegal.

Mr. *Foxley*.

Reſolved upon the Queſtion, That M. *Foxley* ought to be freed from the reſtaint he lies under, by colour of this Warrant.

Reſolution.

Reſolved upon the Queſtion, That Mr. *Foxley* ought to have reparations.

Ordered,

Ordered, That this buſineſs concerning Mr. *Foxley*, be Committed to the ſame Committee, to prepare it in a fit way for this Houſe to transfer it to the Lords.

Caroli 16.

Mr. *Foxley's* Caſe to be Transferred.

Mr. *Selden*, Mr. *Bagſhawe*,
Mr. *Glyn*. Mr. *White*,
Mr. *Grimſton*, Mr. *Peard*.
Sir *Tho. Widrington*,

This Committee, or any Three or Four of them, are to *conſider of the cauſes of the reſtraint of thoſe that are in the Serjeants Cuſtody*; *and to conſider who are bailable*, and to give directions for their Bail; and the Serjeant is to attend the Committee at the ſame time, with the names of thoſe that are in his Cuſtody, and the Orders upon which they are Committed: and they are to meet this Afternoon at Two of the Clock in the Court of Wards.

To conſider what Perſons in Cuſtody are to be Bailed.

Mr. *Pym* brings an Anſwer from the Lords, That their Lordſhips will take the Meſſage from this Houſe concerning the Examinations againſt the Earl of *Strafford*, into ſerious conſideration, and ſend Anſwer by Meſſengers of their own.

Meſſage.

A Meſſage from the Lords by Mr. Attorney, and Mr. Serjeant *Glanville*.

Meſſage about Examinations concerning the Earl of *Strafford*.

'Their Lordſhips have taken the Meſſage of this Houſe into ſerious 'conſideration; and have given Order, That the Examinations taken by 'the Lords deputed, concerning the Earl of *Strafford*'s buſineſs, ſhall be 'delivered to the Committee of this Houſe, at ſuch time, and in ſuch 'manner as this Houſe ſhall deſire.

Mr. Treaſurer Reports the Conference on the 12*th* of *January*, about the *Scots* demands.

Ordered, To take this Report now made by Mr. Treaſurer, concerning the *Demands of the Scots*, into conſideration at Nine of the Clock on *Tueſday* Morning.

Scots Demands.

Mr. *Richard Herbert* has Licenſe to go and ſpeak with Sir *George Ratcliffe*, but with this reſtriction, That he ſpeak of nothing unto him but in the preſence of his Keeper.

Mr. *Richard Herbert*.

Sir *Robert Pye* has leave to go and ſpeak with him upon the ſame reſtriction.

Sir *Robert Pye*.

Ordered, That the Committee laſt appointed for the *King's Army*, ſhall meet this Afternoon at Two of the Clock, to take into conſideration the things formerly Committed unto them, and to preſent certain heads of their reſolutions upon them, to the Houſe: They are likewiſe to preſent unto the Houſe ſome fit way for a *perfect Muſter-Roll* to be made of the King's Army; and how it may be ſetled in ſuch eſtate, that it may be uſeful and in a poſture of defence; and of ſome way of keeping the Army from *Disbanding*, by giving them credit in the Countrey, till Money can come down unto them.

King's Army.

Mr. *Capell* is added to this Committee.

The Houſe of Lords were this day informed by the Lord Privy Seal, of a Paper lately delivered to His Majeſty, which he recommended to the Conſideration and Juſtice of that Houſe, being as followeth.

An extravagant Conventicle referred to the Examinaion of the Lords.

January 13. 1640.

Edmond Chillendon, Nicholas Tyne, John Webb, Richard Sturges, Thomas Gun, John Ellis, *with at leaſt* 60 *Perſons more*, *were all taken on Sunday*

An. 1640.

Sunday laſt in the Afternoon, in the time of Divine Service, by the Conſtable and Churchwardens of St. Saviours; *where they ſaid they met to Teach and Edify one another in Chriſt. They being brought before Sir* John Lenthal, *he demanded why they would not go and reſort to their Pariſh Church, according to the Law of the* 35. *of* Eliz.? *They anſwered, That the Law of the* 35th *of Q.* Eliz. *was not a true Law, for that it was made by the Biſhops, and that they would not obey it: That they would not go to their Pariſh Churches, for that thoſe Churches were not true Churches; that there was no true Church but where the Faithful met. That the King could not make a perfect Law, for that he was not a perfect man; That they ought not to obey him, but in Civil things; That ſome of them threatned the Churchwardens and Conſtables, That they had not yet anſwer'd for this work.*

Subſcribed,

John Lenthal,
Thomas Temple, } *Churchwardens.*
Thomas Butler, }

Whereupon it was Ordered by their Lordſhips, That Sir *John Lenthal* do take care that the aforeſaid Perſons be forth-coming, and appear before the Houſe on *Monday* Morning next, and likewiſe the Conſtable and Churchwardens, and whoever elſe can teſtify any thing relating to this buſineſs, are then likewiſe to attend.

And furthermore upon this occaſion, The Lords Spiritual and Temporal did then paſs an Order:

Order of the Lords, That Divine Service be performed as by Law is appointed. *Jan.* 16th.

'That Divine Service be performed, as it is appointed by the Acts of 'Parliament of this Realm; and that all ſuch as ſhall diſturb this whole-'ſome Order, ſhall be ſeverely puniſht according to Law; and that the 'Parſons, Vicars and Curates in the ſeveral Pariſhes, ſhall forbear to in-'troduce any Rites or Ceremonies that may give Offence, otherwiſe than 'thoſe which are eſtabliſht by the Laws of the Land. And that this 'Order ſhall be publickly Read in all the Pariſh Churches of *London*, '*Weſtminſter*, Burrough of *Southwark*, and Liberties.

Monday January 18th.

John Howes and *Mark Howes* are called in to teſtify to ſome particular Complaints in a Petition referred to this Houſe, by the Inhabitants of *Rothersthorpe*, in the County of *Northampton*, againſt one *Thomas Preſton* the Vicar of the ſaid Town, who had ſpoken ſcandalous Words againſt the Parliament.

'Preſton Vicar of Rothersthorpe.

Ordered, That the ſaid *Thomas Preſton* be brought hither on *Thurſday* Morning next, to Anſwer theſe Complaints.

Sir *Ed. Coke* his Manuſcripts.

The Committee formerly appointed to make ſearch and enquiry after the *Books of Sir Edward Cooke*, are to go and wait upon Sir *Edward Littleton* Lord Chief Juſtice of the Common-Pleas, for ſome of thoſe Manuſcripts were delivered unto him by Serjeant *Finch*, as this Houſe was this day informed.

Bill for Subſidies.

Reſolved upon the Queſtion, That the Bill for the *Relief of His Majeſties Army*, in one Clauſe of it ſhall be amended, and that Sir *Nevile Pooles* Name ſhall be put out, and *Henry* Lord *Gray* of *Ruthyn* ſhall be put in his place.

Time to pay Subſidies.

Whereas by an Order made the 23*d.* of *December*, it was Ordered, That the Two firſt Subſidies ſhall be paid by the 10*th.* of *February* next;

It is this day Ordered, That that Order ſhould be altered, and that *the Two firſt Subſidies* ſhall be paid by the 10*th.* of *March* next.

Reſolved

16 *Caroli*

Reſolved upon the Queſtion, That the Towns of *Dorcheſter* and *Lyme-Regis*, in the County of *Dorſet*, ſhall be left out of the Subſidy-Bill, according to the Paper-Book.

Lyme-Regis.

The Amendments to the Bill of Subſidies were twice read.

A Bill for the Relief of his Majeſty's Army, and the *Northern* part of the Kingdom, put to the Queſtion, and upon the Queſtion paſſed.

A Bill for the Relief of the Army, *&c.*

The Conventiclers in *Southwark* before-mentioned, being this day brought before the Houſe of Lords, according to the Order of that Houſe, and being ſeverally called in, did all deny the moſt material words charged againſt them; but Sir *John Lenthall* and others juſtified the ſame upon Oath; whereupon their Lordſhips ordered, That the ſaid Sectaries ſhould receive for this time an Admonition from this Houſe, and be enjoined to repair for the future to their Pariſh-Churches to hear Divine Service: To which purpoſe the Order of the *16th.* inſtant was read to them, and they were told, That if hereafter they did not Conform themſelves thereunto, they ſhould be ſeverely puniſhed.

Die Martis, Jan. 19. 1640.

City of *Gloceſter's* Petition.

Ordered, That the *Petition* of the Inhabitants in and about the City of *Gloceſter*, be referred to the Biſhop of *Ely*'s Committee, with the like Power in reſpect of this Petition, as it has in reſpect of any other Petition: This Petition being of the ſame nature with the Petitions given in by the *Londoners* and *Kentiſh* men againſt the Biſhops.

Tranſporters of *Fullers-Earth*, &c.

A Bill againſt the *Tranſportation* of *Woolls*, *Wooll-fells*, *Fullers Clay* and *Earth*, read the firſt time.

Upon Mr. *Peard*'s Report from the Committee appointed to conſider of Bail of thoſe that are in the Serjeant's Cuſtody,

It was reſolved upon the queſtion,

Dr. *Cozens* to be bailed.

That Dr. *Cozens* ſhould be bailed, upon his entring into 2000 *l.* bond, and his Sureties in 1000 *l.* bond apiece to the Serjeant, for his Appearance when the Houſe ſhall appoint.

Dr. *Utye.*

That Dr. *Utye* ſhall likewiſe be bailed, himſelf entring into 1000 *l.* bond, his Sureties into 500 *l.* apiece.

Abel denied Bail.

That *Alderman Abel* be not bailed.

Wilſon and *Conrade* to be bailed.

That *Rowland Wilſon*, and *William Conradus*, be bailed, upon their entring into bond of 1000 *l.* and their Sureties into 500 *l.* apiece.

Tho. Horth to be bailed.

That *Thomas Horth* be bailed, himſelf entring into 5000 *l.* bond, and his Sureties into 2000 *l.* apiece.

Kilvert not to be bailed.

That *Richard Kilvert* be not bailed.

Mr. *Fulham* bailed.

That Mr. *Fulham* be bailed, himſelf entring into 200 *l.* bond, and his Sureties into bond of 100 *l.* apiece.

Mr. *Ayliff* bailed.

That Mr. *Ayliff* be bailed, upon 1000 *l.* bond for himſelf, and 500 *l.* apiece for his Sureties.

Ordered, That the Committee appointed to conſider of theſe reſpective Bails, do meet to morrow in the afternoon in the Court of *Wards*.

Chair men of Committees to communicate what they have againſt Judges.

Ordered, That the Chair-men that have any thing come before them that *may conduce to the Charge* againſt the Judges, do preſent it this afternoon to the Committee appointed to draw up the Charge againſt the Judges.

Bill againſt the long Intermiſſion of Parliaments.

Mr. *Prideaux* brings from the Committee, the *Bill for preventing* the inconveniences happening by the *long Intermiſſion of Parliaments*, with ſeveral *Amendments* and *Additions* unto it; the which ſeveral Amendments and Additions were twice read: And then it was reſolved upon the Queſtion, That this Bill ſhall be recommitted to a Committee of the whole Houſe.

An. 1640

Grand Committee, concerning long Intermiſſion of Parliaments.

Mr. *Prideaux* Report concerning the Intermiſſion.

Reſolved upon the Queſtion, That the Houſe ſhall be forthwith Reſolved into a Grand Committee to conſider of this Bill.

Hereupon Mr. *Speaker* left the Chair, and Mr. *Prideaux* was called to the Chair.

Mr. *Speaker* reaſſumed the Chair.

Mr. *Prideaux* Reports from the Committee, ſome Amendments to the Bill aforeſaid, and then it was put to the Queſtion for the Engroſſing; and it was Reſolved upon the Queſtion,

That this Bill, Intituled, *An Act for the preventing of Inconveniences happening by the long Intermiſſion of Parliaments*, with theſe Alterations and Additions, ſhall be Engroſſed againſt to morrow morning.

Bill to be Ingroſſed.

During the Debates about this Bill, the Lord *Digby* made the following Speech.

The Lord *Digby*'s Speech about a Triennial Parliament, *Jan.* 19.

Mr. Speaker,

I Riſe not now with an Intent to ſpeak to the Frame and Structure of this Bill, nor much by way of Anſwer to Objections that may be made; I hope there will be no occaſion of that, but that we ſhall concur all unanimouſly in what concerneth all ſo univerſally.

Only, *Sir*, by way of preparation, to the end that we may not be diſcouraged in this great work, by difficulties that may appear in the way of it, I ſhall deliver unto you my apprehenſions in general of the vaſt Importance and Neceſſity that we ſhould go through with it.

The reſult of my ſenſe is in ſhort this, That unleſs for the frequent convening of Parliaments, there be ſome ſuch courſe ſetled, as may not be eluded, neither the People can be proſperous and ſecure, nor the King himſelf ſolidly happy: I take this to be the *Unum Neceſſarium*: Let us procure this, and all our Deſires will effect themſelves; if this Bill miſcarry, I ſhall have left me no publick Hopes; and once paſt, I ſhall be freed of all publick Fears.

The Eſſentialneſs, *Sir*, of frequent Parliaments to the Happineſs of this Kingdom, might be inferred unto you by the Reaſon of contraries, from the woful experience which former times have had of the miſchievous effects of any long Intermiſſion of them.

But, Mr. *Speaker*, Why ſhould we climb higher than the Level we are on; or think further than our own Horizon; or have recourſe for examples in this buſineſs, to any other Promptuary, than our own memories, nay, than the experience almoſt of the youngeſt here?

The Reflection backward on the diſtractions of former times upon Intermiſſion of Parliaments, and the conſideration forward of the Miſchiefs likely ſtill to grow from the ſame Cauſe, if not removed, doubtleſly gave firſt Life and Being to thoſe two dormant Statutes of *Edward* III. for the Yearly holding Parliaments; and ſhall not the freſh and bleeding Experience in the preſent Age of Miſeries from the ſame Spring, not to be parallell'd in any other, obtain a Wakening, a Reſurrection for them?

The Inteſtine Diſtempers, *Sir*, of former Ages upon the want of Parliaments, may appear to have had ſome other co-operative Cauſes; as ſometimes, unſucceſsful Wars abroad, ſometimes the Abſence of the Prince, ſometimes Competitions of Titles to the Crown, ſometimes, perhaps, the Vices of the King himſelf.

But let us rightly weigh and conſider the poſture, the aſpect of the preſent State, both towards it ſelf and the reſt of the world; the Perſon of our Sovereign, and the Nature of our Suffering ſince the Third of his Reign: And there can be no Cauſe colourable inventible, whereunto to attribute them, but the Intermiſſion, or which is worſe, the undue fruſtration of Parliaments, by the unlucky uſe, if not abuſe of Prerogative in the Diſſolving of them.

Take in your view, *Gentlemen*, a State, in a ſtate of the greateſt quiet that can be fancied, not only enjoying the calmeſt Peace, but in caſe to improve and ſecure its happy condition, all the reſt of the world at the ſame time in Tempeſt, in Combuſtions, in uncompoſable Wars.

Take into your view, *Sir*, a King Soveraign to three Kingdoms, by the concentring of all the Royal Lines in his Perſon, as undiſputable as any Mathematical ones in *Euclid*: A King firm and knowing in his Religion, eminent in Vertue: A

King

King that had in his own time given all the Rights and Liberties of his Subjects, a more clear and ample Confirmation, freely, and graciouſly, than any of his Predeceſſors (when the people had them at advantage) extortedly, I mean in the Petition of Right. 16 Caroli.

This is one Map of *England*, Mr. *Speaker*; A Man, *Sir*, That ſhall preſent unto you now a Kingdom groaning under that ſupream Law, which *Salus Populi Periclitata* would enact: The Liberty, the property of the ſubject Fundamentally ſubverted, raviſh't away by the violence of a pretended Neceſſity; a triple Crown ſhaking with Diſtempers; men of the beſt Conſcience ready to fly into the Wilderneſs for Religion; would not one ſwear that this were the Antipodes to the other? and let me tell you, Mr. *Speaker*, this is a map of *England* too, and both at the ſame time true.

As it cannot be denied, Mr. *Speaker*, That ſince the Conqueſt, there hath not been in this Kingdom a fuller Concurrence of all Circumſtances in the former Character, to have made a Kingdom happy, than for theſe Twelve Years laſt paſt; ſo it is moſt certain, that there hath not been in all that deduction of Ages, ſuch a conſpiracy, if one may ſo ſay, of all the Elements of miſchief, than in the ſecond Character; to bring a flouriſhing Kingdom, if it were poſſible, to ſwift ruin and deſolation.

I will be bold to ſay, Mr. *Speaker*, and I thank God we have ſo good a King, under whom we may ſpeak boldly of the abuſe by ill Miniſters, without reflection upon his Perſon,

That an Accumulation of all the publick Grievances, ſince *Magna Charta*, one upon another, unto that hour in which the Petition of Right paſt into an Act of Parliament, would not amount to ſo oppreſſive, I am ſure not ſo deſtructive a height and magnitude to the Rights and Property of the Subject, as one Branch of our enſlaving, ſince the Petition of Right.

The branch I mean, is the Judgment concerning Ship-money, This being a true repreſentation of *England* in both aſpects;

Let him Mr. *Speaker*, that for the unmatch't oppreſſion and enthralling of free Subjects, in the time of the beſt King's Reign, and in memory of the beſt Laws, enacted in favour of Subjects Liberty; can find a truer cauſe than the Ruptures and Intermiſſion of Parliaments. Let him, and him alone be againſt the ſetling of this inevitable way for the frequent holding of them.

'Tis true, *Sir*, Wicked Miniſters have been the proximate Cauſes of our Miſeries; but the want of Parliaments, the primary, the efficient Cauſe.

Ill Miniſters have made ill times; but that, *Sir*, hath made ill Miniſters.

I have read among the Laws of the *Athenians*, a form of recourſe in their Oaths and Vows of greateſt and moſt publick concernment, to a three fold Deity; *Supplicationum Exauditori, Gravaminum Purgatori, Malorum Depulſori.*

I doubt not, but we here Aſſembled for the Commonwealth in this Parliament, ſhall meet with all theſe Attributes in our Soveraign.

I make no Queſtion, but he will graciouſly hear our Supplications, purge away our Grievances, and expel Malefactors, that is, remove ill Miniſters, and put good in their places.

No leſs can be expected from his Wiſdom and Goodneſs.

But let me tell you, Mr. *Speaker*, If we partake not of one Attribute more in him, and if we addreſs not our ſelves unto that, I mean *Bonorum Conſervatori*, we can have no ſolid, no durable comfort in all the reſt.

Let His Majeſty hear our complaints never ſo Compaſſionately.

Let him purge away our Grievances never ſo Efficaciouſly.

Let him puniſh and diſpel *ill Miniſters* never ſo exemplarily:

Let him make choice of good ones never ſo exactly.

If there be not a way ſetled to Preſerve and *keep them good*, the miſchiefs and they will all grow again like *Sampſon's* Locks, and pull down the Houſe upon our Heads; believe it, Mr. *Speaker*, they will!

It hath been a Maxim among the wiſeſt Legiſlators, That whoſoever means to ſettle good Laws, muſt proceed in them with a ſiniſter Opinion of all Mankind, and ſuppoſe that whoſoever is not wicked, it is for want only of the opportunity; it is that opportunity of being ill, Mr. *Speaker*, that we muſt take away, if ever we mean to be happy, which can never be done, but by the frequency of Parliaments.

No State can wiſely be confident of any publick Miniſter's continuing good, longer than the Rod is over him.

16 *Caroli.*

Let me appeal to all thoſe, that were preſent in this Houſe at the Agitation of the Petition of Right, and let them tell themſelves truly of whoſe Promotion to the Management of Affairs, do they think the generality would at that time have had better hopes, than of Mr. *Noy*, and Sir *Thomas Wentworth*, both having been at that time, and in that buſineſs, as I have heard, moſt keen and active Patriots, and the latter of them (to the eternal Aggravation of his infamous Treachery to the Commonwealth be it ſpoken); the firſt Mover, and Inſiſter, to have this Clauſe added to the Petition of Right, That for the comfort and ſafety of his Subjects, His Majeſty would be pleaſed to declare his VVill and Pleaſure, that all his Miniſters ſhould ſerve him according to the Laws and Statutes of the Realm.

And yet, Mr. *Speaker*, to whom now can all the Inundations upon our Liberties under pretence of Law, and the late Ship-wrack at once of all our Property, be attributed more than to *Noy*? And can thoſe, and all other Miſchiefs whereby this Monarchy hath been brought almoſt to the brink of Deſtruction, be attributed ſo much to any as to that Grand Apoſtate to the Commonwealth, the now Lieutenant of *Ireland*?

The firſt, I hope God hath forgiven in the other VVorld; and the latter muſt not hope to be pardoned in this, till he be diſpatcht to the other.

Let every man but conſider thoſe men as once they were.

The excellent Law for the ſecurity of the Subject, enacted immediately before their coming to imployment, in the contriving whereof, themſelves were principal Actors.

The Goodneſs and Vertue of the King they ſerved, and yet the high and publick Oppreſſions that in his time they have wrought! And ſurely there is no man but will conclude with me, That as the deficience of Parliaments hath been the *Cauſa Cauſarum* of all the Miſchiefs and Diſtempers of the preſent times; ſo the frequency of them is the ſole Catholick Antidote that can preſerve and ſecure the Future from the like danger.

Mr. *Speaker*, Let me draw my Diſcourſe a little nearer to His Majeſty Himſelf, and tell you, the frequency of Parliaments is moſt eſſentially neceſſary to the Power, the Security, the Glory of the King.

There are *two* ways, Mr *Speaker*, of powerful rule, Either by fear, or love; but *one* of happy and ſafe rule, that is by love, that *Firmiſſimum imperium quo obedientes gaudent.*

To which *Camillus* adviſed the *Romans*, Let a Prince conſider what it is that moves a People principally to affection, and dearneſs towards their Soveraign; he ſhall ſee that there wants no other Artifice in it, than to let them enjoy unmoleſted, what belongs to them of right: And if that have been invaded and violated in any kind, whereby affections are alienated, the next conſideration for a wiſe Prince that would be happy, is how to regain them: To which Three things are equally neceſſary.

1. Reinſtating them in their former Liberty.
2. Revenging them of the Authors of thoſe violations.
3. And ſecuring them from Apprehenſions of the like again.

The firſt, (God be thanked) we are in a good way of.

The ſecond in warm purſuit of.

But the third, as eſſential as all the reſt, till we be certain of Triennial Parliaments at the leaſt, I profeſs, I can have but cold hopes of.

I beſeech you then, Gentlemen, ſince that ſecurity for the future is ſo neceſſary to that bleſſed union of Affections, and this Bill ſo neceſſary to that ſecurity;

Let us not be ſo wanting to our ſelves, let us not be ſo wanting to our Soveraign, as to forbear to offer unto him this powerful, this everlaſting *Philter*, to charm unto him the hearts of his People, whoſe Vertue can never evaporate.

There is no man, Mr. *Speaker*, ſo ſecure of another's Friendſhip, but will think frequent intercourſe and acceſs very requiſite to the ſupport, to the confirmation of it: Eſpecially, if ill Offices have been done between them; if the raiſing of Jealouſies hath been attempted: There is no Friend but would be impatient to be debarred from giving his Friend ſuccour and relief in his Neceſſities.

Mr. *Speaker*, Permit me the Compariſon of great things with little; But what Friendſhip, what Union can there be, ſo comfortable, ſo happy, as between a gracious Soveraign and his People; and what greater misfortune can there be to both, than for them to be kept from intercourſe, from the means of clearing miſunderſtandings, from interchange of mutual Benefits?

The

An. 1640.

The people of *England*, Sir, cannot open their ears, their hearts, their mouths, nor their purſes to his Majeſty, but in Parliament.

We can neither hear him, nor complain, nor acknowledg, nor give, but there.

This Bill, *Sir*, is the ſole Key that can open the way to a frequency of thoſe reciprocal Indearments, which muſt make, and perpetuate the happineſs of the King and Kingdom.

Let no man object any Derogation from the King's Prerogative by it; we do but preſent the Bill, 'tis to be made a Law by him; His Honour, His Power, will be as conſpicuous, in commanding at once, that a Parliament ſhall aſſemble every third Year, as in commanding a Parliament to be called this or that Year; there is more of His Majeſty in ordaining Primary and Univerſal Cauſes, than in the actuating of ſubordinate Effects.

I doubt not, but that glorious King *Edward* the third, when he made thoſe Laws for the Yearly calling of Parliaments, did it with a right ſenſe of his Dignity and Honour; the truth is, the Kings of *England* are never in their Glory, their Splendor, in their Majeſtick Soveraignity, but in Parliaments. Where is the Power of impoſing Taxes? Where is the Power of reſtoring from Incapacities? Where is the Legiſlative Authority? Marry in the King, Mr. *Speaker*; but how? In the King circled in, and invertuated by his Parliament.

The King out of Parliament hath a limited Power, a circumſcribed Juriſdiction; but waited on by his Parliament, no Monarch of the *Eaſt* is ſo abſolute in diſpelling Grievances.

Mr. *Speaker*, in chaſing ill Miniſters, we do but diſſipate Clouds that may gather again; but in voting this Bill, we ſhall contribute, ſo much as in us lyes, to the perpetuating our Sun, our Soveraign, in his Vertical, in his Noon-day luſter.

Inhabitants of *Richmond Yorkſhire*

Ordered, that the Petition of the Inhabitants of the Town of *Richmond* in the County of *York*, about the billeting of Soldiers, and oppreſſions done by them, be referred to the Committee laſt appointed for the King's Army.

Report from the Committee for Religion.

Upon Mr. *White's* report from the Grand Committee for Religion, it was reſolved upon the Queſtion,

Subſcription *Cambridge* Scholars.

That the Statute made about Twenty ſeven Years ſince in the Univerſity of *Cambridg*, impoſing upon Young Scholars, a Subſcription according to the *36th* Article of the Canons, made in the Year 1603. is againſt the Law and Liberty of the Subject, and ought not to be preſſed upon any Student or Graduates whatſoever.

Bill paſſed againſt interміſſion of Parliaments.

The Bill for the preventing of inconveniencies happening by the long Intermiſſion of Parliaments, read the Third time; and upon the Queſtion *paſſed*.

Lord *Digby* went to the Lords with that Bill, and the Bill for Subſidies.

The *Lord Digby* went up to the Lords, with the Bill *for the Relief of the Kings Army, and the Bill for preventing inconveniencies happening by the long Intermiſſion of Parliaments*, accompanied with ſuch Gentlemen as were pleaſed to go.

Carnarvonſhire Elections.

The Petition of the High Sheriff in the County of *Carnarvon*, was Read and Referred to Sir *Lewis Dives* Committee; to the which Committee, the Petitions exhibited concerning the Election of the Knight and Burgeſs for the Town and County of *Carnarvon* are referred, and it is to be conſidered of at the ſame time, when thoſe Petitions are conſidered of, and the High Sheriff is to be Bayled in the mean time.

Q. Joynture.

The Bill for the Queens Joynture is appointed to be Read on *Wedneſday* next.

Members who are *Monopoliſts*.

Mr. *Peard* to make report to Morrow, concerning thoſe Members of this Houſe, that forbear to ſit in regard of the Order againſt *Monopolies*.

Reſolved the Army to be paid.

Upon Sir *John Hotham's* Report from the Committee laſt appointed to conſider of the King's Army, it was reſolved upon the Queſtion,

That

An. 1640.

Muſter Roll.

That the King's Army ſhall be paid from the Tenth of *November* to the eighth of *December*, according to the Foot of the Muſter Roll made the 28*th* of *November*.

Reſolved upon the Queſtion, That a new Muſter Roll be made in the like manner, as it it is now reported from the Committee; *viz.*

Order for a new Muſter Roll

That the Commiſſary General do appoint ſixteen Deputy Commiſſaries, and that ſixteen Gentlemen of the County be nominated by the Knight and Burgeſſes of the County of *York* to joyn with them, and in one day to Muſter the Army, and according to the Foot of that Muſter-Roll, the Army to be paid from the 8*th* of *December* to the time of the Muſter, and that this Muſter be not made till the Money comes down.

Diſcipline of the Army

Reſolved upon the Queſtion, That for the *diſcipline of the Army*, it is fit that a Commiſſion of *Oyer* and *Termminer* be directed to the Officers of the Field, and ſome Gentlemen of the County, to be nominated by the Knights and Burgeſſes of the County of *York*.

Commiſſion of *Oyer* and *Terminer*

Mr. *Treaſurer* is intreated to move His Majeſty, that ſuch a Commiſſion may be ſent.

Ordered, That the Commiſſion of *Oyer* and *Terminer*, ſhall extend only to the King's Army in pay.

City to be paid, after Mr. *Harriſon*. *Thurſday* Jan. 21*ſt*.

Ordered, That if the City bring in the Threeſcore Thouſand Pounds, they ſhall be paid next after Sir *John Harriſon* has received his Moneys.

Daniel Holſtein Committees.

A Bill for the Naturalizing of *Daniel Holſtein* Gentleman, who was afterwards called in and ſworn.

Ordered, That the Committee for Deputy-Lieutenants and Ship-money do ſtand.

Concerning the Naturalization of Strangers.

The Humble Petitions of the Merchants Adventurers, concerning the Naturalizing of Merchant-ſtrangers, was read and referred to the Committee for *Peter Herons & al' Naturalization*, and Sir *Arthur Ingram* is added to that Committee.

The Petition of the Pariſhioners of St. *Ethelborough London*, referred to the Committee for the Archbiſhop of *Canterbury*.

Mr. *Peard's* report from the Committee for *Monopoliſts*; upon which report,

Mr. *William Sandys* a *Monopoliſt*, diſabled to ſit.

It was reſolved upon the Queſtion, That Mr. *William Sandys* is within the Order made againſt *Monopoliſts*, in the *Monopoly* concerning an impoſition upon Coals; and not fit, nor ought to ſit as a Member in the Houſe this Parliament; and that a Warrant iſſue forth under Mr. *Speakers* Hand to the Clerk of the Crown for a new Writ for Electing of another to ſerve for the Town of *Eveſham* in *Com. Wigorn*, in his ſtead.

Sir *John Jacob* diſabled to ſit.

Reſolved upon the Queſtion, That Sir *John Jacob* is a *Monopliſt*, and Projector in the buſineſs of *Tobacco*; and within the Order againſt *Monopoliſts*, and ought not to ſit as a Member in the Houſe this Parliament: And that a Warrant iſſue forth under Mr. *Speaker's* Hand to the Clerk of the Crown, for a new Writ for Electing of another to ſerve in his ſtead this Parliament for the Town of *Rye* in *Eſſex*.

Mr. *Thomas Web* diſabled to ſit.

Reſolved upon the Queſtion, That Mr. *Thomas Webb* is intereſſed in the Project and *Monopoly*, concerning the ſealing of Bone-lace, and within the Order of this Houſe made againſt *Monopliſts*, and ought not to ſit as a Member in this Houſe this Parliament.

And that a *Warrant* iſſue forth under Mr. *Speaker's* Hand, directed to the Clerk of the Crown for a new Writ for Electing of another to ſerve in his ſtead this Parliament.

Mr. *Edmund Windham* diſabled.

Reſolved upon the Queſtion, That Mr. *Edmund Windham* is a *Monopoliſt*, and Projector, concerning the ſole uſing of Wine-Cask, and marking

ing of Butter-Firkins, within the Order made againſt *Monopoliſts*, and ought not to ſit as a Member in this Houſe this Parliament; and that a Warrant iſſue forth under Mr. *Speaker*'s Hand, directed to the Clerk of the Crown, for a new Writ for Electing of another Burgeſs to ſerve in his ſtead this Parliament for *Bridgewater*, in the County of *Somerſet*. *16 Caroli.*

Ordered, That the Committee appointed to draw up the charge againſt the *Earl of Strafford*, do take ſome courſe, that all thoſe who have complained here againſt the ſaid Earl, and whoſe buſineſſes are not yet fully perfected, may have reparations for their particular Damages, and loſſes ſuſtained. Perſons injured by the Earl of *Strafford*, to have reparation.

Ordered, That Mr. *Peard* do proceed in his Report concerning *Monopoliſts* to Morrow morning.

Reſolved upon the Queſtion, That the Houſe ſhall be reſolved into a Committee to Morrow morning at Nine of the Clock, to take into further Conſideration the Demands of the *Scots*. *Scots* demands.

In the Lords Houſe, the Caſe of Mr. *Anthony Danvers* Gent. was reported this Day by the Lords Committees, appointed by the Lords in Parliament to receive Petitions; the ſaid *Anthony Danvers* in his Petition ſetting forth, That he being of Kindred unto the Right Honourable the Lord *Viſcount Say* and *Seal*, and thereby of Kindred to *William* of *Wickham*, ſometimes Biſhop of *Wincheſter*, and Founder of the College near *Wincheſter*, and of *New College* in *Oxford*, having offered his Son to be received into the College near *Wincheſter*, according to the Privilege of a Founder's Kinſman, by the ſpace of Four Years at their Yearly Election, and being delayed, and at laſt denied: It was Reported by the ſaid Lords Committees, That they having ſent for the Two *VVardens* and the School-Maſter of *VVincheſter* College, who are conſtantly Electors into the ſaid College of *VVinton*, upon Examination of the Caſe, and Submiſſion of the Two *VVardens*, and the conſent of all Parties, it was Reported by the *Lord Biſhop* of *Lincoln*, that a full Satisfaction ſhould be given by the ſaid *VVardens* unto Mr. *Anthony Danvers* for the charges he had been put unto, and for the Damages he had received by the refuſal of his Son, and not admitting him into the College near *VVinton*, according to the Privilege of a Founder's Kinſman, and according to the Founder's Statutes; and that at the next Election he ſhould be admitted into the College, and have ſome convenient maintenance in the mean time: And for the time to come, both the ſaid *VVardens* did promiſe, that the Founder's Kindred ſhould be admitted without difficulty, according to the Statutes of both Colleges concerning the Admiſſion of Founders Kinſmen; and the *Lord Biſhop* of *VVincheſter* for his part, as Viſitor of the Two Colleges, did likewiſe promiſe, that he would take care the ſame ſhould be performed; and the Lords Committees did further deliver it as their Opinions, That a Memorial hereof ſhould be entered in the Journal Book of the Lords Houſe of Parliament, if their Lordſhips ſhould ſo think fit, to prevent the like wrongs in time to come, that might be offered to the Founders Kinſmen; which was Ordered accordingly: And upon a motion of the *Lord Viſcount Say* and *Seal*, it was further Ordered by the Houſe, That the Clerk of the Lords Houſe ſhould deliver Four Copies thereof, one to the *Lord Viſcount Say* and *Seal* as chief Founders Kinſman, another to the *Lord Biſhop* of *Wincheſter*, and one to *each College*, *viz.* the *College* near *VVincheſter*, and *New College* in *Oxford*. The Caſe of *Wincheſter*, and *New College* in *Oxford*, Reported *Jan.* 21*ſt.*

Friday, Jan. 22.

Ordered, That Mr. *Colfer*'s Petition exhibited to this Houſe againſt Mr. *Anguiſh*, late Mayor of the City of *Norwich*, be referred to the Committee for the Rigorous Levying of *Ship-money*. *Colfer*'s Petition.

Ordered, That *George Preſton*, Vicar of *Rothersthorp*, *for very ſcandalous Speeches ſpoken by him againſt this Houſe, the which Words are contained in a Petition delivered unto this Houſe, and were all clearly proved againſt him by ſundry Witneſſes examined here at the Bar*, be forthwith committed to the Priſon of the *Gate-houſe*, there to be kept a Priſoner during the Pleaſure of this Houſe; and that the Petition exhibited againſt Vicar *Preſton* for words, made a Delinquent.

An. 1640

Report of Mr. *Smart's* Caſe.

against him, be referred to the Committee for ſcandalous Miniſters, to conſider of the Reſidue of the Petition.

Upon Mr. *Rowſe's* Report from the Committee for Mr. *Smart*, It was Reſolved upon the Queſtion,

Reſolution.

That the ſeveral Proceedings of the High Commiſſion Court of York *and* Canterbury, *againſt Mr.* Smart, *and the ſeveral Fines impoſed by them upon him, were illegal and unjuſt, and ought not to bind.*

Mr. *Smart.*

That the Degradation of Mr. Smart, *and his Deprivation from his Prebends, and other Eccleſiaſtical Livings, were unjuſt and illegal; and that he ought to be reſtored to all of them, together with the mean Profit.*

Dr. *Cozens.*

That Dr. Cozens, *and others the Proſecutors of* Mr. Smart, *ought to make him Satisfaction for his Damages ſuſtained.*

Dr. *Cozens.*

That Dr. Cozens *is guilty of bringing in of Superſtitious Innovations into the Church, tending to Idolatry, and of ſpeaking of ſcandalous and malicious Words againſt his Majeſty's Supremacy, and the Religion eſtabliſhed.*

Dr. *Cozens.*

That Dr. Cozens *is in the Opinion of this Houſe unfit and unworthy to be a Governour in either of the Univerſities, or to continue any longer Head or Governour of any College, or to hold and enjoy any Eccleſiaſtical Promotions.*

Reparation for Mr. *Smart.*

Referred to the Committee for Mr. *Smart*, to prepare ſuch things as may be fit to be tranſmitted to the Lords, concerning Dr. *Cozens*; and likewiſe to conſider of ſome fit way of Reparations to be made to Mr. *Smart* for his Damages ſuſtained.

Mr. *Speaker* left the Chair, according to an Order yeſterday made, and the Houſe reſolved into a Grand Committe about the *Scots*; and Mr. *Maynard* was called to the Chair. Mr. *Speaker* aſſumes the Chair. Mr. *Maynard* Reports from the Committee. And after a ſerious and long Debate thereupon, the Houſe came to this Reſolution,

A Frienly Aſſiſtance to be given to the *Scots.*

That this Houſe thinks fit, That a *Friendly Aſſiſtance* and Relief ſhall be given towards Supply of the Loſſes and Neceſſities of the *Scots*; and that in due time this Houſe will take into conſideration the Meaſure and Manner of it.

Saturday, Jan. 23.

Tho. Bonnell's Petition.

The Petition of *Thomas Bonnell*, Clerk, Rector of *Movemnankton* in the County of *York*, referred to the Committee for Privileges.

A Bill to ſell Lands.

A Bill for enabling of *James Enyon* to alter the Eſtates of ſome Lands, and to *make ſale* of other Lands for the Payment of Debts, and advancement of younger Children.

Mr. *Jones* a Miniſter.

Ordered, That *Thomas Jones* of *Owfield* in the County of *Devon*, Clerk, be forthwith ſent for as a *Delinquent* by the Serjeant at Arms attending on this Houſe, to anſwer an Information againſt him here, and atteſted by a Member of this Houſe, of *ſcandalous Words* by him uſed againſt the Parliament, in a Sermon preached by him at *Tiverton* in the ſaid County of *Devon*, the laſt day of *July*, 1640.

Dr. *Chaffin* ſent for.

Ordered, That Dr. *Chaffin* be forthwith ſent for as a Delinquent by the Serjeant at Arms attending on this Houſe, for *Words by him delivered* againſt the Parliament, *in a Sermon* preached by him in the Cathedral of *Salisbury*, the *26th* of *May*, 1634. which words were here in the Houſe witneſſed by *one Witneſs*, and atteſted by the Subſcription of ſeveral others.

Miniſters Petition and Remonſtrance.

A Petition of ſeveral Miniſters in behalf of themſelves and many others their Brethren of the Church of *England*, praying a Redreſs of certain Irregularities in the Government of the Church, was read. To which was annexed a Remonſtrance ſetting forth in particular thoſe ſuppoſed Irregularities; and eſpecially inſiſting upon Secular Employments

of

of the Clergy, the ſole acting of Biſhops in Ordination and Cenſures, and the great Revenues and little uſe of Deans and Chapters. Which Petition and Remonſtrance ſix or ſeven of the Subſcribers being called in, did avow; and it was ordered, That the ſaid Remonſtrance ſhall be read on *Monday* morning. *Caroli* 16

Mr. *Selden*, Mr. *Whitlock*.
Mr. *Palmer*, Mr. *Maynard*,
are added to the Committee that are to draw up the Articles againſt the Earl of *Strafford*.

Mr. *Hampden*, Sir *Walter Earle*,
Mr. *St. John*, Mr. *Glyn*,
Sir *John Culpeper*, Sir *Tho. Barrington*,
Sir *John Hotham*, Sir *Gilbert Gerard*,
Sir *Peter Hayman*,
are appointed preſently to retire into the Committee-Chamber, to prepare Heads for a Conference with the Lords, concerning the *Reprieval of Thomas Goodman*, *Prieſt* and *Jeſuit*, and upon ſuch other matters as they in their Judgments ſhall think fit. *Goodman* the Prieſt.

Mr. *Recorder* of *London* was ſent for, who at the Bar made a Narrative of the *whole paſſage of the Indicting*, *Condemning*, and *Reprieval* of *Goodman* the Prieſt.

Mr. *Glyn* reports the Heads of the Conference to be deſired with the Lords, concerning the *Reprieval* of *Goodman*, &c. Reprieval.

Sir *John Culpeper* was ſent up to the Lords to deſire a Conference by a Committee of Both Houſes preſently, if it might ſtand with their Lordſhips occaſions, in the Painted Chamber, concerning the *Reprieving of John Goodman*, a Prieſt, lately condemned of High Treaſon. Meſſage for a Conference.

Mr. *Glyn* is to manage this Conference.

Sir *John Culpeper* brings anſwer, That their Lordſhips have conſidered of the Meſſage, and will preſently give a Meeting as is deſired.

Ordered, That it be referred to the Committee for Secretary *Windebank*, to prepare Heads for a Conference with the Lords concerning the *Scotiſh Miniſters that are thruſt out of Scotland*, and have Preferment either here or in *Ireland*; and to prevent that no more of them be preferred either here or in *Ireland*; and to enquire who have been the Promoters of them to their Preferment. Outed *Scots* Miniſters to have no Preferment in *England* or *Ireland*.

Ordered, That Commiſſions be ſent into all Counties for the defacing, *demoliſhing*, and quite taking away of all *Images*, *Altars*, or Tables turned Altar-wiſe, *Crucifixes*, ſuperſtitious Pictures, Monuments and Reliques of Idolatry, out of all Churches or Chappels. Commiſſions to deface Images, Altars, &c.

Ordered, That *Richard Buller*, and *Arthur Revenough*, who have a Petition before the Grand Committee for *Iriſh* Affairs, ſhall have liberty to *come and go freely to proſecute their Petition*, without Moleſtation, Arreſt, or Reſtraint; and that there be a ſtay of committing any waſte in the felling of any Wood, or any other waſte whatſoever, upon the Lands mentioned in the Petition, during the dependency of the Buſineſs here. *Iriſh* Petitioners to have Liberty to proſecute.

The like Order for liberty of Proſecution, and for ſtay to be made of any waſte to be committed upon the Lands mentioned in their Petition, was granted to *Patrick Murfey*, and *John Jones*. *Patrick Murfey*.

It is likewiſe Ordered, That Sir *Pierce Crosby*, that has a buſineſs likewiſe depending before the Grand Committee for *Iriſh* Affairs, *have free liberty to go and come*, to proſecute his Petition here without any moleſtation Sir *Pierce Crosby*.

An. 1640.

ſtation or reſtraint during the time of the dependency of his Buſineſs here.

Monday, Jan. 25.

Cuſtomers detain goods.

Ordered, That the *Ship and Goods* of Mr. *Samuel Warner*, Merchant, *detained by the Farmers Deputies* at *Portſmouth*, *be delivered* unto him upon his giving *good Security* to ſtand to ſuch determination in the Cauſe, as this Houſe ſhall appoint.

St. *Bartholomew*'s Clerk.

Mr. *Peard* reporteth from the Committee for Courts of Juſtice, the caſe of the Pariſh-Clerk of St. *Bartholomews*; and upon the Report it was Reſolved upon the Queſtion,

High Commiſſion-Court.

That all the Proceedings in the *High Commiſſion* Court againſt *Samuel Withered*, *John Hooke*, and *Henry Garret*, ſentenced in the *High Commiſſion* Court for not paying the ſaid Clerks Wages, and the ſeveral Fines and Eſtreats thereof, and the Coſts given againſt them, are Illegal and Unjuſt, and ought not to bind.

To have Reparation.

Reſolved upon the Queſtion, That *Samuel Withered*, *John Hooke*, and *Henry Garret*, ought to have ſatisfaction againſt the Four Commiſſioners, the *Lord Archbiſhop* of *Canterbury*, the *Biſhop of Ely*, Sir *John Lamb*, and Dr. *Duck*, for their Coſts, Damages, and Loſſes ſuſtained in their Suit: And it is further Ordered, That if any other of the Commiſſioners ſhall hereafter appear to have given their Votes to the Sentence, they ſhall likewiſe be liable to make Reparations as aforeſaid, to the Parties grieved.

Ordered, That a Warrant iſſue under Mr. *Speaker*'s hand directed to all the *Officers of the High Commiſſion*, whom it may any way concern, requiring them to *bring hither all the Acts and Proceedings* that concern the Cauſe of the Pariſh-Clerk of St. *Bartholomews*.

All the Proceedings in the High Commiſſion againſt this Pariſh Clerk, to be brought to the Houſe.

Ordered, That all the *Bonds* that *Samuel Withered*, *John Hooke*, and *Henry Garret*, entred into for their Appearance at the High Commiſſion Court, be re-delivered unto them again: And that the Patent for the Incorporation of the Pariſh Clerks, be brought unto the Committee to conſider of it, and to Report it to the Houſe.

Mr. *Saragold*.

Ordered, That Mr. *Saragold*, being now in Cuſtody, ſhall have liberty with a Keeper to proſecute his Petition depending before the Grand Committee for Courts of Juſtice.

His Majeſty ſent for Both Houſes to attend Him at the *Banquetting-Houſe* at *Whitehall*, where He was Graciouſly pleaſed to make the following Speech.

My Lords, and You the Knights, Citizens, and Burgeſſes;

The King's Speech, *Jan.* 25. to both Houſes.

THE principal Cauſe of my coming here at this time, is by reaſon of the ſlow Proceedings in Parliament; touching which is a great deal of Inconvenience. Therefore I think it very neceſſary to lay before you the ſtate of my Affairs, as now they ſtand, thereby to *haſten*, not to *interrupt* your Proceedings. Firſt, I muſt remember you, that there are Two Armies in the Kingdom, in a manner maintained by you; the very naming of which, doth more clearly ſhew the Inconvenience thereof, than a better Tongne than mine can expreſs.

Therefore in the firſt place, I ſhall recommend unto you the quick diſpatch of that buſineſs. In the next place I muſt recommend unto you the ſtate of my *Navy* and *Forts*; the condition of both which is ſo well known unto you, that I need not tell you the Particulars; only thus much, They are the *Walls* and Defence of this Kingdom; which if out of order, all men may eaſily judge, what incouragement it will be to our Enemies, and what diſheartning to our Friends.

Laſt of all (and not the leaſt to be conſidered) I muſt lay before you the diſtractions that are at this preſent occaſioned through the Connivence of Parliament; for there are ſome men, that more malicioufly than ignorantly, will put no difference betwen Reformation and Alteration of Government.

Hence

16 *Caroli.*

Hence it cometh, That *Divine Service* is irreverently interrupted, and Petitions in an ill way given in, neither diſputed nor denied. But I will enter into no more Particulars, but ſhew you a way of *Remedy*, by ſhewing you my clear Intentions, and ſome *Rocks* that may hinder this good Work.

I ſhall willingly and chearfully concur with you for the Reformation of all Innovations both in Church and Commonwealth; and conſequently, that all Courts of Juſtice may be reformed according to Law; for my Intention is clearly to reduce all things to the beſt and pureſt time, as they were in the time of Queen *Elizabeth*.

Moreover, Whatſoever part of my Revenue ſhall be found Illegal, or heavy to my Subjects, I ſhall be willing to lay it down, truſting in their Affections. Having thus clearly and ſhortly ſet down my Intentions, I will ſhew you ſome *Rubbs*, and muſt needs take notice of ſome very ſtrange (I know not what term to give them) Petitions given in, in the names of divers Counties, againſt the preſent eſtabliſhed Government; and of the great Threatnings againſt the Biſhops, that they will make them to be but Cyphers, or at leaſt their Voices to be taken away.

Now I muſt tell you, That I make a great difference between Reformation and Alteration of Government; tho I am for the firſt, I cannot give way to the latter. If ſome of them have over-ſtretched their Power, and encroached too much upon the Temporality, if it be ſo, I ſhall not be unwilling theſe things ſhould be Redreſſed and Reformed, as all other Abuſes, according to the Wiſdom of former times; ſo far I ſhall go with you.

Nay further, If upon ſerious Debate you ſhall ſhew me that Biſhops have ſome Temporal Authority inconvenient to the State, and not ſo neceſſary for the Government of the Church, and upholding Epiſcopal Juriſdiction, I ſhall not be unwilling to deſire them to lay it down. But this muſt not be underſtood, That I ſhall any way conſent that their Voices in Parliament ſhould be taken away; for in all the times of my Predeceſſors ſince the Conqueſt, and before, they have enjoyed it; and I am bound to maintain them in it, as one of the Fundamental Conſtitutions of this Kingdom.

There is another *Rock* you are on, not in Subſtance, but in *Form*; yet the Form is ſo eſſential, that unleſs it be Reformed, it will marr the Subſtance.

There is a Bill lately put in, concerning Parliaments: The thing I like well, to have frequent Parliaments; but to give Power to Sheriffs, and Conſtables, and I know not whom, to uſe my Authority, that I cannot yield unto.

But to ſhew you, That I am deſirous to give you Content in *Forms* which deſtroy not the ſubſtance, you ſhall have a Bill for this purpoſe, ſo that it trench neither againſt my Honour, nor againſt the Ancient Prerogative of the Crown concerning Parliaments; to which purpoſe I have commanded my Learned Council to wait upon you my Lords, with ſuch Propoſitions as, I hope, will give you Content; for I ingenuouſly confeſs, That frequent Parliaments are the beſt means to keep a righe underſtanding between me and my People, which I ſo much deſire.

To conclude: I have now ſhewn you the ſtate of my Affairs, my own clear Intentions, and the Rocks I wiſh you to eſchew; in all which you may perceive the deſire I have to give you Content, as you ſhall find alſo by thoſe Miniſters I have or ſhall have, about me, for the effecting of theſe my good Intentions, which I doubt not will bring Peace and Happineſs to my Subjects, and Contentment to you all. Concerning the Conference, you ſhall have a direct Anſwer, which ſhall give you ſatisfaction.

Meſſage by Mr. *Bellaſis.*

Ordered, That Mr. *Bellaſis* go with a *Meſſage* to the Lords, to deſire a Conference by a Committee of both Houſes preſently, if it may ſtand with their Lordſhips Occaſions, in the Painted Chamber, concerning a Conference lately had with their Lordſhips, about the *Treaty* between the *Two Kingdoms*.

Mr. *Whitlock* to manage the Conference.

A meſſage from the Lords: *Goodman* the Prieſt.

A Meſſage from the Lords by Mr. Serjeant *Ayloff*, and the Attorney-General; 'The Lords deſire a Conference by a Committee of Both 'Houſes preſently, in the *Painted Chamber*, if it may ſtand with the con-'veniency of this Houſe, touching the Conference had on *Saturday*, 'concerning the *Reprieval* of *John Goodman* the Prieſt.

An. 1640.

Anſwer returned by the ſame Meſſengers, 'That this Houſe has taken 'into their conſideration their Lordſhips Meſſage, and will give a Meet-'ing preſently, as is deſired, by a Committee of the whole Houſe.

Mr. *Treaſurer*, Mr. *Glyn*,
Mr. *Palmer*, Mr. *Edward Hide*,
Mr. *Nath. Fines*, Sir *John Culpeper*,

are appointed Reporters of the Conference.

Mr. *Hide* reports from the Conference with the Lords, a Meſſage from the King, *in hæc verba*:

'That the occaſion of his Majeſties knowledge of the Conviction of '*John Goodman*, the Prieſt, lately Reprieved, was upon the conſtant 'Order that hath been taken for divers years, That the Recorder hath 'at the end of every Seſſions attended his Majeſty with the Names of 'the Perſons convicted, with an expreſſion of their Offences, to the 'end that his Majeſty might be truly informed of the Nature of their 'Crimes, and conſequently, not be induced by Information to Reprieve 'ſuch as were not fit for Grace and Mercy: And thereupon, That *Goodman* 'was lately condemned for being in Orders of a Prieſt merely, and was 'acquitted of the Charge of perverting the Kings People in their belief, 'and had never been condemned or baniſhed before. His Majeſty is 'tender in matter of blood, in caſes of this nature; in which Queen '*Elizabeth* and King *James* have been often merciful: But to ſecure his 'People that this man ſhall do no more hurt, he is willing that he be 'impriſoned or baniſhed, as their Lordſhips ſhall adviſe; and if he re-'turn into the Kingdom, to be put to Execution without delay; and he 'will take ſuch fit courſe for the expulſion of other Prieſts and Jeſuits, 'as he ſhall be counſelled unto by your Lordſhips; and he doth not in-'tend by this particular Mercy to leſſen the Force of the Law.

Ordered, That the Houſe to morrow morning take into Conſideration the Subject of the Free Conference to be deſired with the Lords concerning the Report made by Mr. *Hide*, touching the Expulſing of the Prieſts and Jeſuits, and touching the Reprieval of *John Goodman*, the Prieſt.

Secretary *Windebank*.

Ordered, That the Committee for Mr. Secretary *Windebank*, meet on *Thurſday* next in the Afternoon, to prepare the Articles againſt the ſaid Mr. *Secretary*.

Mr. *Bellaſſis* brings Anſwer from the Lords, that their Lordſhips will give a preſent meeting by a Committee of the whole Houſe as is deſired.

Epiſcopacy.

Ordered, That the Petition from the *Miniſters*, and the *Remonſtrance* delivered with it, be *firſt read* on *Monday morning next*, and afterwards the Petitions from the Counties concerning *Epiſcopacy*.

Cannons.

Ordered, That it ſhall be debated on *Friday* morning next, what *Penalty the Biſhops*, and the reſt of the Clergy, have incurred in making the laſt new *Canons*.

Tueſday Jan. 26.

Explanation of M *Bullock's* Order.

Upon a Motion this day made concerning an Order made in this Houſe *December* 15. Diſpenſing thereby with Mr. *Bullock* for attending at that time the Lord Keeper, he being at the ſame time, and upon the ſame buſineſs, Ordered to attend the grand Committee for Trade; and it being further Ordered, That the ſaid Mr. *Bullock* ſhould not be prejudiced

by

16 *Caroli.*

by any Orders made by the Lord Keeper, for his not attending there: It was declared, That the intention of the Houſe was, That the ſaid Order of 15. *December* ſhould extend only to that Day, but they intended not hereby to make ſtay of any Suit depending between him and any other, concerning that buſineſs.

Goodman the Prieſt.

Committee appointed to take into conſideration the Heads of the Debates this Day happening, concerning the Reprieval *of John Goodman the Prieſt*, and concerning the putting in due Execution, the Laws made againſt Prieſts and Jeſuits, and to preſent thoſe things that ſhall be neceſſary for a free Conference with the Lords, concerning theſe matters, to Morrow morning, and are to meet this Afternoon at two of the Clock in the *Dutchy* Chamber.

O Conner the *Iriſh* Prieſt.

Ordered, That the Examination now remaining with the Committee for Recuſants, concerning *O Conner* the Prieſt, be delivered over to the Committee, appointed to draw up the Charge againſt the *Earl* of *Strafford*, to make uſe of in that Charge, and then to be returned to the Committee again; and that Mr. *Glyn* and Mr. *Peard*, ſometime about the beginning of the next week, do deſire the Judges from this Houſe, to proceed to the Tryal of the ſaid *O Conner*.

Ann Huſſey Summoned.

Ordered, That Mrs. *Ann Huſſey* be Summoned to be here to morrow Morning, being a Witneſs againſt the ſaid *O Conner*.

A Prieſt at *Mr. Haſlewoods.*

Ordered, That a Warrant iſſue under Mr. *Speaker's* Hand, directed to the *Juſtices* of the Peace for the County of *Rutland*, thereby giving them Directions to examine the buſineſs concerning the apprehending of ſuſpected Popiſh Prieſts at Mr. *Haſlewood's* Houſe of *Belton*, in the County aforeſaid, and require them to ſeize into their hand the Popiſh Books, and other Popiſh Implements found in the ſaid Houſe, and to take good ſecurity of Mr. *Haſlewood* for his appearance here, when he ſhall be required; and they are to certify to this Houſe, the particulars of the whole matter, that this Houſe may take ſuch further Order therein, as they ſhall think fit.

Wedneſday Jan. 27*th.* Michaelmas Term.

A Bill for the Limitation and Abreviation of *Michaelmas* Term, Read the ſecond time, and upon the Queſtion Committed.

Salt Marſhes.

A Bill, declaring the Common Law of the Land, concerning Salt Marſhes, Read the ſecond time, and upon the Queſtion committed.

Ordered, That Sir *John Wintor*, Mr. *Walter Montague*, Sir *Kenelme Digby*, Sir *Baſill Brook*, and Mr. *Henry Becket*, be forthwith required to attend the Houſe.

Mr. *Heywood.*

Reſolved upon the Queſtion, That the Heads reported by Mr. *Glyn*, together with the Fact committed by *John James* upon Mr. *Heywood*, ſhall be the Heads of the Conference with the Lords, concerning the Reprieval of *Goodman*, *&c.*

Mr. *Glyn*,	Mr. *Crew*,
Mr. *Edward Hide*,	Sir *John Culpeper*,
Mr. *Reynolds*,	Mr. *Grimſton*,
Sir *John Hotham*,	Mr. *Strode*,

are to manage this Conference.

Goodman the Prieſt.

Ordered, That Sir *Gilbert Gerard* go up with a Meſſage to the Lords Houſe, to deſire a Free Conference concerning the Reprieval of *John Goodman* the Prieſt, and the baniſhing of Prieſts and Jeſuits.

A Meſſage from the Lords by Juſtice *Foſter*, and Mr Attorney.

A Meſſage concerning the Treaty.

The Lords deſire a preſent Conference, if it may ſtand with the occaſions of this Houſe, by a Committee of both Houſes in the Painted Chamber, concerning the Treaty between the two Kingdoms.

Conningsby.

Ordered, That *Thomas Conningsby* be forthwith ſent for as a Delinquent by

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by a Serjeant at Arms attending on this Houſe, to anſwer the Complaints exhibited againſt him in a Petition to this Houſe; the which Complaints, or the greateſt part of them, were avowed and atteſted by a Member of this Houſe.

It was this day reported in the Houſe from a Committee, That there were above 50. Families of *Norwich* that went away to New *England*, by reaſon of Biſhop *Wren*'s preſſing their Conſciences with illegal Oaths, Ceremonies and Innovations.

There was a Complaint alſo againſt one Mr. *Taylor*, for ſaying, If one Sermon a day would not ſerve, let them go to the Devil for another; and that Puritans are all Knaves, and Papiſts honeſt men.

Sir *Gilbert Gerard* brings Anſwer from the Lords, That their Lordſhips will give a preſent meeting by a Committee of their whole Houſe, as is deſired.

Conference about Recuſants, and *Goodman* the Prieſt.

Mr. *Glyn* gives an account of the free Conference about *Goodman*, That their Lordſhips had conſidered of the motives and deſires of the Commons, *and do agree with them in every particular, both for the Execution of this particular Prieſt*, and the putting the *Laws in due Execution* againſt all other *Prieſts* and *Jeſuits*; and if this Houſe think fit, they will repreſent it to His Majeſty by their *Speaker*, as the deſire of both Houſes.

To be repreſented to His Majeſty.

Reſolved upon the Queſtion, That the deſires of this Houſe concerning *John Goodman* the *Prieſt*, and concerning the due Execution of Laws againſt *Prieſts*, *ſhall be repreſented to His Majeſty*, in that manner as is propounded by the Lords.

A Writ for a new Election in *Eſſex*

Ordered, That a Warrant iſſue forth under Mr. *Speaker*'s Hand, directed to the Clerk of the Crown in Chancery for a New Writ for Electing of a Knight to ſerve in the Parliament for the County of *Eſſex*, in the room and ſtead of the Lord *Rich*, *called by Writ to the Lords Houſe.*

Jan. the 28*th.*

A Committee appointed to prepare Queſtions for Sir *Kenelme Digby*, Mr. *Montague*, and others, concerning Motives and Inſtructions given to the Popiſh Recuſants for raiſing money for the Northern Expedition.

Friday 29th.

Ordered, That the Conſideration of the Commiſſion granted to the Earl of *Worceſter*, and his Eldeſt Son the Lord *Herbert*, and ſome Commiſſions by them granted unto others, for the levying of Forces in the ſeveral Counties of *England* and *Wales*, and all the Circumſtances depending thereupon, be referred to the Committee, to draw up the charge againſt the Earl of *Strafford*, and to conſider of the Magazine in Sir *Piercy Herbert*'s Coſtody.

Mr. *Treaſurer* acquaints the Houſe, That it is His Majeſties Pleaſure, that this Houſe attend him at the Banqueting Houſe in *White-Hall*, at two of the Clock in the Afternoon, where the Lords will be preſent.

There the Lord Keeper delivered to His Majeſty the following *Remonſtrance* from both Houſes of Parliament.

May it pleaſe Your Majeſty.

The Remonſtrance of the Two Houſes delivered by the Lord Keeper about *Goodman*, &c. *Jan.* 29. 1640.

YOur Loyal Subjects the Lords and Commons now Aſſembled by your Majeſties Writ in the High Court of Parliament, humbly repreſent unto your Gracious Conſideration, That *Jeſuits* and *Prieſts*, Ordained by Authority from the See of *Rome*, remaining in this Realm by a Statute made in the 21*ſt.* year of Queen *Elizabeth*, are declared *Traytors*, and to ſuffer as *Traytors*.

That this Law is not ſo rigorous as ſome apprehend, or would have others to believe; for that it is reſtrained to natural born Subjects only, and doth not extend to any Strangers at all.

That it is Enacted in the Firſt Year of King *James*, That all Statutes made in the

time

time of Queen *Elizabeth* againſt Prieſts and Jeſuits, be put in Execution; and for a further aſſurance of the due Execution of theſe Laws, the Statute of the Third Year of King *James*, invites men to the diſcovery of the Offenders, by rewarding them with a conſiderable part of the Forfeiture of the Recuſants Eſtates. 16 *Caroli.*

So that the Statute of Queen *Elizabeth* is not only approved, but by the Judgements of ſeveral Parliaments in the time of King *James* of happy memory, adjudged fit and neceſſary to be put in Execution.

That conſidering the eſtate and condition of this preſent time, they conceive this Law to be more neceſſary to be put in ſtrict Execution, than at any time before; and that for divers weighty and conſiderable Reaſons, *viz.* for that by divers Petitions from the ſeveral parts of this Kingdom, complaints are made of the great increaſe of Popery and Superſtition, and the People call earneſtly to have the Laws againſt Recuſants put in Execution; ſeeing *Prieſts* and *Jeſuits* ſwarm in great abundance in this Kingdom, and appear here with ſuch boldneſs and confidence, as if there were no Laws againſt them.

That it appears unto the Houſe of Commons by Proof, That of late Years about the City of *London*, *Prieſts* and *Jeſuits* have been diſcharged out of Priſon; many of them being Condemned of High Treaſon.

They are credibly informed, That at this preſent the Pope hath a *Nuncio* or *Agent* reſident in the City, and they have juſt cauſe to believe the ſame to be true.

The Papiſts as publickly, and with as much confidence and impunity, reſort to Maſs at *Denmark* Houſe, and *St. James*'s, and the Ambaſſadors Chappels, as others do to their Pariſh Churches. They conceive the not putting of theſe Statutes in execution againſt *Prieſts* and *Jeſuits*, is a principal cauſe of the increaſe of Popery.

That the putting of theſe Laws in execution, tendeth not only to the preſervation and advancement of the true Religion eſtabliſhed in this Kingdom; but alſo the ſafety of your Majeſties Perſon, and ſecurity of the State and Government, which were the principal cauſes of the making of the Laws againſt *Prieſts* and *Jeſuits*, as is manifeſtly declared in the preamble of the Laws themſelves, which are the beſt interpreters of the minds of the Makers of them.

And becauſe the words being Penned by the advice and wiſdom of the whole State, are much more full and clear than any particular man's expreſſion can be; they were therefore read as they are vouched, thoſe of the 27*th.* Year of Queen *Elizabeth*, being thus: *viz.*

'That the *Prieſts* and *Jeſuits* come hither, not only to draw the Subjects from 'their true Obedience to the Queen, but alſo to ſtir up Sedition, Rebellion, and 'open Hoſtility within the Realm, to the great endangering of the Safety of her 'Royal Perſon, and to the utter Ruine, Deſolation, and Overthrow of the whole 'Kingdom, if not timely prevented. And the tenour of the Words of the Stat. of the Third year of King *James*, are in this manner: *viz.*

'Whereas divers *Jeſuits* and *Prieſts* do withdraw many of his Majeſties Subjects, 'from the true Service of Almighty God, and the Religion eſtabliſhed within this 'Realm, to the Romiſh Religion, and from their Loyal Obedience to his Majeſty; 'and have of late ſecretly perſwaded divers Recuſants, and Papiſts, and encouraged 'and emboldened them to commit moſt Damnable Treaſons, tending to the overthrow of the whole State and Commonwealth, if God of his Goodneſs and 'Mercy had not within few hours of the intended time of the execution thereof, 'revealed and diſcloſed the ſame.

The Houſes do further inform, That ſome *Jeſuits* and *Prieſts* had been executed in the time of Queen *Elizabeth*, and King *James* of happy Memory; and when any of them have received Mercy, it was in ſuch time, and upon ſuch circumſtances, as that the ſame might be extended unto them without danger. Whereas now of late, there hath been a great apprehenſion of endeavours by ſome ill agents to ſubvert Religion; and at this preſent both Kingdoms have a general expectation of a thorough Reformation. And there is already found ſo ill conſequence of the late Repreive of *John Goodman* the Prieſt, That the Houſe of Commons having ſent to the Citizens of *London* for their aſſiſtance in the advancement of Money, for the preſent and neceſſary Supply of his Majeſty's Army, and the Relief of the *Northern* Counties; upon this occaſion they have abſolutely deni'd to furniſh the ſame: And how far the like diſcontents may be diffuſed into other parts of the Kingdom, to the interruption of the Levying the Subſidies, the Houſes leave to your Majeſty's conſideration. It is found that *Goodman* the Prieſt hath been twice formerly Committed and Diſcharged; that his reſidence now about *London*, was in abſolute Contempt

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tempt of your Majeſty's Proclamation, as the Houſes are credibly informed; that he hath been ſometimes a *Miniſter* in the *Church of England*, and conſequently is an Apoſtate; and both Houſes are very ſenſible, that no perſon ſhould preſume to intercede with your Majeſty in a caſe of ſo high a nature. They humbly deſire, That a ſpeedy courſe may be taken for the due execution of the Laws againſt the *Prieſts* and *Jeſuits*; that all miſchiefs before mention'd may be timely remedied by your Majeſty's great Wiſdom.

And Laſtly, That *Goodman* the Prieſt be left to the Juſtice of the Law.

Saturday, Jan. 30.

Ordered, That Sir *John Winter*, and Sir *Baſil Brooks* be ſent for, and their Books and Acquittances, concerning Moneys collected amongſt the Recuſants: And the Houſe had under conſideration the Papers following, concerning raiſing contribution amongſt the Roman Catholicks, for carrying on the late War againſt the *Scots*.

Henrietta Maria, R.

The Queen's Letter to promote Contributions by the Papiſts.

WE have ſo good a Belief of the Loyalty, and Affection of his Majeſties Catholick Subjects, as we doubt not upon this occaſion that hath called his Majeſty into the *Northern* parts, for the defence of his Honour and Dominions, they will expreſs themſelves ſo affected, as we have always repreſented them to his Majeſty: So in this common conſent which hath appeared in the Nobility, Judges, Gentry, and others, to forward his Majeſty's Service by their Perſons and Eſtates; We have made no difficulty to Anſwer for the ſame correſpondency in his Catholick Subjects, as Catholicks; notwithſtanding they have already concurred to this his Majeſty's Service, according to the quality whereof they are, when others of the ſame quality whereof they are, were called upon. For we believe that it becomes us, who have been ſo often intereſſed in the ſolicitation of their benefits, to ſhew our ſelves now in the perſuaſion of their gratitudes. Therefore having already by his Majeſty, by other means Recommended to them this earneſt deſire of Ours, to Aſſiſt and Serve his Majeſty by ſome conſiderable Sum of Money freely and chearfully preſented: We have thought fit (to the end that this Our deſire may be the more Publick and more Authorized) hereby to give you Commiſſion and direction to diſtribute Copies under our hand of this Teſtification thereof, unto thoſe that have met in *London* by Our direction about this buſineſs; and unto the ſeveral Collectors of every County. And as we preſume, the Sum they will Raiſe, will not be unworthy our preſenting to the King; ſo ſhall We be very ſenſible of it as a particular Reſpect to our ſelves, and will endeavour in the moſt efficacious manner we can, to improve the merit of it, and to remove any apprehenſion of prejudice, that any (who ſhall employ themſelves towards the ſucceſs of this Buſineſs) may conceive. By this they may be aſſured, That we will ſecure them from all ſuch objected inconveniences. And we are very confident, That this our firſt Recommendation will be ſo complied withal, as may not only afford us particular ſatisfaction, but alſo facilitation towards their own advantages.

Given under Our Signet at Whitehall *this* 17th. *of April*, 1639.

In purſuance of her Majeſty's Letter, Mr. *Walter Montague*, and Sir *Kenelme Digby*, wrote to ſome of the Principal of that Party, as followeth.

Mr. *Montague* and Sir *Kenelme Digby*'s Letter on the ſame occaſion.

IT is ſufficiently already known to every one, what extraordinary Graces and Protections we owe the Queen's Majeſty; to whoſe favourable interceſſion we muſt aſcribe the happy Moderation we live under: So as we doubt not, but an Occaſion of the expreſſion of our Gratitudes, will very joyfully be embraced by every Body in this preſent Eſtate of His Majeſty's Affairs. We have already by our former Letters, endeavoured to prepare you to a chearful Aſſiſtance of His Majeſty in his declared Journey to the *Northern* Parts, for the ſecuring of this Kingdom, and ſuch other purpoſes as His Royal Wiſdom ſhall reſolve of, that ſo you may really Demonſtrate your ſelves as good Subjects, as God and Nature requires of you: Now Her Majeſty hath been graciouſly Pleaſed to Recommend unto us the expreſſions of our Duties and Zeal to His Majeſties Service, by ſome conſiderable Gifts from the Catholicks, and to remove all Scruples (that even well affected perſons may meet with), ſhe undertakes to ſecure us, and all that ſhall imploy themſelves in this buſineſs,

from

from any Inconvenience that may be ſuſpected by their or our forwardneſs and declaration in this kind. It will eaſily appear to every body how much it imports us in our ſenſe of His Majeſty's Deſires, to preſs every body, to ſtrain himſelf even to his beſt Abilities in this Propoſition, ſince by it we ſhall certainly preſerve his Graceſulneſs to us, and give good Characters of our Devotion to the King and State, of whoſe Benignity we have all reaſon to give Teſtimonies, and to endeavour to produce Arguments for the Proſecution and Encreaſe of it. *An.* 1640.

Now for the beſt Expedition of this buſineſs (which is the chief circumſtance that importeth in it) we have thought fit to recommend it to your Nominations of ſuch perſons as ſhall in your opinions be agreed for the ableſt and beſt diſpoſed in every ſeveral County, not only to ſollicite, but collect ſuch voluntary Contributions as every bodies Conſcience and Duty ſhall proffer. And we ſhall deſire you to give us an account of what acceptation this finds; which we cannot but expect very ſucceſsful, and anſwerable to the forwardneſs we meet with here about *London*; for which we ſhall offer up our Prayers to God.

W. Mountague,
Ke. Digby.

Another Letter was ſent from thoſe Aſſembled at *London*, to ſome of the *Romiſh* Clergy, with Inſtructions incloſed, to be delivered by them to ſuch perſons as they concerned, in order to the ſame buſineſs.

A Letter from the Aſſembly of Papiſts in *London*, to the *Popiſh* Clergy and others in every Shire.

THE incloſed Advices and Motives being ſo ample, as you will perceive by peruſing them, it will not be needful that we enlarge our ſelves upon any particulars concerning the Conduct of the buſineſs which they direct the way in: This therefore ſerveth only to convey them to you (as we are intreated by thoſe that have met here, and have undertaken to do) and deſire you to repair immediately unto thoſe perſons unto whom they be directed; and to deliver the ſame unto them in the name of all the Noblemen and Gentry (together with our ſelves) Aſſembled here at *London* by the Queens Commandment, to ſet forward this work. And we pray you aſſure them in the moſt efficacious manner you can, (engaging all our Credits for the Truſt thereof) That it is the ſenſe of us all, both Eccleſiaſtical and Lay-perſons, That beſides the diſcharging of their and our Duties to God and the King, it mainly importeth the Good of the Catholicks, to have their Buſineſs take good Succeſs. Therefore intreat them to deal actively, and efficaciouſly, and ſpeedily, according to theſe Advices and Motives. We are ſo well perſuaded of their Devotion to put forward ſo pious a work, that we doubt not but they will be as well ſatisfied in the needfulneſs of the thing, and be as ready to employ themſelves in it; receiving the Aſſurance thereof, and Perſuaſions thereunto, only from our hands, as if they came by all the formal ways that can be imagined, which in a buſineſs of this nature cannot be expected. And altho the Advices and Motives be directed only to the Lay-Gentlemen, yet we deſire you (and have anſwered for you) that you will employ your ſelves, and all thoſe that depend upon you, ſincerely to ſollicit and diſpoſe all their minds that you have relation unto, as powerfully as you can, to contribute chearfully and bountifully upon this occaſion, which as it is the firſt that ever we laboured in of this kind, ſo we hope in God it will be the laſt, there being no probability of ſo preſſing and urgent neceſſity to occur any more.

London, April, 1639.

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The Names of the Collectors for gathering the Recuſants Money.

Bedfordſhire,	MR. Church, *Sir* Robert Charnock, *Mr.* Robert Hewet.
Barkſhire,	*Mr.* Anthony Inglefield, *Mr.* Terrel.
Buckinghamſhire,	*Mr.* Robert Dormer, *Sir* Edward Manfield, *Mr.* Throgmorton, *Mr.* Bringhurſt.
Cambridgeſhire,	*Mr.* Henry Huddleſtone, *Mr.* Charles Paryes, *Mr.* Barker.
Cheſhire,	*Mr.* Bidulph of Bidulph, *Sir* William Maſſey, *Mr.* William Stanley, *Mr.* James Pool.
Cornwall,	*Mr.* Victor, *Mr.* Burlacy, *Mr.* Trevilion.
Cumberland,	*Sir* Francis Howard, *Mr* Joſeph Porter.
Darbyſhire,	*Sir* Francis Willoughby, *Mr.* Aery of *Haſſop*, *Mr.* Pool of *Spinckil.*
Devonſhire,	*Sir* Edward Carey, *Mr.* Berry, *Mr.* Anthony Gifford, *Dr.* Chicheſter.
Dorſetſhire,	*Mr.* George Penny the Elder, *Mr.* George Arundel, *Mr.* Web of *Lanford*, *Mr.* Wells of *Purbeck.*
Durham,	*Sir* Ralph Conniers, *Mr.* George Collingwood, *Mr.* Edward Smith.
Eſſex	*Mr.* William Peters, *Mr.* Thomas Wright, *Mr.* Richard Whitt.
Gloceſterſhire,	*Sir* John Winter, *Mr.* Wakeman, *Mr.* Benedict Hall, *Mr.* Atkinſon.
Hertfordſhire,	
Huntingtonſhire,	*Mr.* Price of *VVaſhingley*, *Sir* Thomas Shirley, *Mr.* Thomas Cotton.
Herefordſhire,	*Mr.* William Bodenhum, *Sir* John Widmore, *Mr.* William Moor of *Barrop*, *Mr.* John Harp.
Hampſhire,	*Mr.* John Arundel, *Mr.* George Penny the Younger, *Mr.* William Owen.
Kent,	*Mr.* Benjamin Wiborn, *Mr.* Clement Finch, *Mr.* Pettit.
Lancaſhire,	*Mr.* Bradſhaw, *Sir* Cecil Crayford, *Sir* William Gerrard, *Mr.* Molineux *of the* Wood, *Mr.* Townley *of* Townley, Anderton *of* Loſtock.
Leiceſterſhire,	*Sir* Francis Englefield, *Mr.* Golding.
Lincolnſhire,	*Mr.* Anthony Mounſon, *Sir* John Thymbleby, *Mr.* Robert Conſtable.
London and *Middleſex,*	*Mr.* Cape, *Mr.* Thomas Rox, *Mr.* Becket, *Mr.* Richard Betham, *Mr.* Edward Harp, *Mr.* Morgan, *Mr.* John Chapperley, *Doctor* Kirton.
Norfolk,	*Mr.* Everard, *Mr.* Charles Walgrane, *Sir* Henry Beddingfield, *Mr.* VVilliam Paſton.
Northamptonſhire,	*Sir* VVilliam Saunders, *Mr.* John Poulton.
Nottinghamſhire,	*Mr.* Thomas Smith *the Elder*, *Mr.* Thomas Smith the *Younger.*
Northumberland,	*Sir* VVilliam Fenwick, *Mr.* Haggerſton, *Mr.* Withrington, *Sir* Edward Ratcliff.
Oxfordſhire,	*Sir* Richard Farmer *of* Kiddington, *Mr.* William Stone, *Mr.* Ralph Sheldon.
Rutlandſhire,	*Mr.* Nicholas Cripps, *Mr.* William Andrews, *Mr.* Alcock, *Mr.* James Digby.
Shropſhire,	*Sir* Baſil Brook, *Mr.* Glowden, *Mr.* John Harrington.
Sommerſetſhire,	*Mr.* Raino, *Mr.* John Ewnis *the Elder.*
Staffordſhire,	*Mr.* Brook *of* Lapley, *Mr.* Stamford *of* Perry Hall, *Mr.* Philip Draycot.
	Mr. Edward Cotton, *Sir* Richard VVeſton.

Suſ-

An. 1640.

Suſſex,	*Sir* John Shelley, *Sir* John Carrol.
Suffolk,	*Sir* Francis Monnock, *Sir* Roger Martin, *Sir* Edward Sylyard, *Mr.* Thomas Beddingfield *of* Beddingfield.
VVarwickſhire,	*Mr.* Anthony Dormer, *Mr.* Thomas Morgan, *Mr.* VVilliam Sheldon, *Mr.* Richard Middlemore.
VViltſhire,	*Mr.* VVilliam Arundel, *the Lord* Baltimore, *Mr.* Edward Stilling.
VVorceſterſhire,	*Mr.* VVilliam Abington, *Mr.* VVilliam Sheldon.
VVeſtmorland,	*Mr.* Anthony Ducket, *Mr.* John Leyborn, *Mr.* Fleming.
Yorkſhire,	East *Riding*, *The Lord* Dunbar, *Mr.* Brigham, *Mr.* Longdail.
	VVeſt *Riding*, *Baronet* Vavaſor, *Baronet* Gaſcoigne, *Mr.* Thomas VVaterton, *Mr.* Philip Hungate.
	North *Riding*, *Mr.* Craythorn *the Younger*, *the Lord* Fairfax, *Mr.* Anthony Mennel, *Mr.* Laurence Sate.
Iſle of *VVight*,	
Angleſey,	
Brecknock,	*Mr.* VVinter, *Mr.* Brevan, *Mr.* Maddock.
Carnarvon,	*Mr.* Lewis.
Caermarthen,	*Mr.* Towley.
Cardigan,	*Mr.* Lewis.
Glamorgan,	*Mr.* Turbervile *the Younger*.
Denbigh,	*Mr.* Richard Floyd, *Mr.* Crew.
Flintſhire,	*Sir* John Connaway, *Mr.* Pennat.
Monmouth,	*Sir* Charles Summerſet, *Mr.* Morgan *of* Lantarnan, *Mr.* Morgan *of* Itton.
Montgomery,	*Sir* Piercy Herbert.
Merioneth,	
Pembrookſhire,	*Mr.* Towley *of* Arnoſtill.
Radnorſhire.	*Mr.* Thomas Crowther.

Sir *Kenelme Digby* was called into the Houſe, and being demanded ſeveral Queſtions concerning the Inſtructions diſperſed to the Papiſts throughout *England* to lend Money to maintain the VVar againſt the *Scots*, and what Money was levied hereon, and who were the Collectors, and how the Popes *Nuncio* came to be the chief man imployed therein?

The Anſwer which he returned was to this purpoſe, That he did conſider before *whom* he did appear, and in whoſe Preſence he ſpake; *The Graveſt and VViſeſt Aſſembly in the whole VVorld*, whoſe *Majeſty* is ſo great, that it might well diſorder his Thoughts, and impede his Expreſſions; that he was ſuddenly ſupriſed with unexpected Queſtions; and apprehended there might be ſome diſlike in that Honourable Houſe, of that which he did once conceive was an Act of Service and Merit: But ſince he is askt of things apart, he ſhall humbly repreſent what he can remember upon this occaſion, and what may be ſatisfactory to the Houſe. So he related the beginning of the Buſineſs, and took along the ſeries as it went from ſtep to ſtep.

About two Years ſince (ſaid he) my ſelf with ſome others had a meeting concerning this buſineſs upon my Lord *Traquairs* coming out of *Scotland*, and repreſenting to the King ſome Proceedings there much to the diſadvantage of His Majeſties Affairs; inſomuch that His Majeſty with advice of his Council, declared a War againſt the *Scots*: And His Majeſty did generally intimate, that his Neceſſities did require to be ſupplied in the going on with the War. This intimation of His Majeſty was communicated to the ſeveral Judges of the Kingdom, to the Societies of the *Inns* of Court, to the Judges and others of the Civil Law, and to the City of *London* likewiſe; and more eſpecially to the Clergy of *London*. Having theſe Examples before our Eyes, we conſidering our ſelves as Dutiful Subjects, though Recuſants, might as Subjects in this Caſe follow the good Examples of Loyalty to our Prince, which the Learned, and others of the Land had done before us. The Queen hereupon was pleaſed to recommend to thoſe who were Catholicks

An. 1640. tholicks of this Kingdom, to ſhew themſelves as forward as others were in ſerving of the King, and to each Catholick to ſpeak to his Acquaintance to do the like. I was one of thoſe Her Majeſty ſpake unto; whereupon I confeſs, I did both in Example and Speeches with others, encourage them to make what Contribution they could. But how to convey this Money that ſhould be thus contributed, to the Army, I found it very difficult; conſidering it was to be gathered in ſeveral places of the Nation, and I had but little Correſpondency among the Catholicks of this Kingdom; there was a Gentleman that did take upon him to ſupply that care of mine; and that was *Seignieur Con*, who was Reſident here from the Pope, I conceive to attend the Queen, whoſe acquaintance with the particular Perſons of the Recuſants was beyond any others; and meetings were generally kept at his Houſe, in order to the advancement of this buſineſs: He alſo took upon him to name the Perſons in every County who ſhould be the Collectors of the Money; and therefore we diſcourſed of Motives to induce them freely to Contribute: (The chief whereof was, That His Majeſty's Grace and Goodneſs had been much extended to the Catholicks, conſidering how ſharp and penal the Laws were againſt them), and to ſeek by way of Gratitude upon this occaſion to make return anſwerable. Other Motives there were, which were drawn by *Seignieur Con*, which I was not acquainted with; but he told me he had ſent down ſuch Motives and Inſtructions as he thought were fit Inducements upon that occaſion. And as to the Queſtion, what Perſons I conſulted withal, there was at the meeting ſeveral times Sir *John VVinter* the Queen's Secretary, Sir *Baſil Brooks*, Mr. *Montague*, and one Mr. *Foſter*, who was a perſon *Seignieur Con* had particular Confidence in. For the particular Sums Received, I am not able to give a particular account, for my attendance was not long upon that Service; I remember 10000 *l.* at one time paid into the Exchequer, and 2000 *l.* at another time; (for which Tallies were ſtruck) collected from Recuſants in theſe *Southern* parts, and Sir *Baſil Brooks* was nominated Treaſurer; he kept the account, and managed the Buſineſs: He ſaid he had dealt clearly and candidly with the Parliament, and declared as much as he knew in this Buſineſs.

Mr. *VValter Montague*, being afterwards called in, and examined at the Bar of the Houſe, did acknowledg much of what was ſaid by Sir *Kenelme Digby* for the motives and Inducements to the raiſing of theſe Monies; and that the whole Tranſaction of the Buſineſs was at *Seignieur Con's* Houſe; and ſaid, that it is true he is called the Popes *Nuncio*, but Mr. *Montague* did not believe he was commiſſionated by the Pope in that Capacity; but rather that he comes from the Pope, particularly to attend the Queen's Perſon, in order to matters of their Religion in reference to Her Majeſty alone.

Sir *Kenelme Digby* being again called into the Houſe, and demanded in what Capacity *Seignior Con* came into *England*, and how it came to paſs, that he coming immediately from the Pope, ſhould be the principal in that Buſineſs, and ſhould ſo willingly undertake the Engagement of two Kingdoms in a Bloody War?

To this he made anſwer, how his acquaintance came to be ſo great in the Nation, he could not tell; but he was ſure that his Intereſt was greater than any Intereſt Sir *Kenelme Digby* had, to advance the buſineſs; for the application was great unto him from Catholicks all over the Nation; that he doth not know of any particular Authority or Juriſdiction he had by any power from the *Pope* over the Catholicks of *England*; but as they ſay, he is a *Nuncio* or Legat of the Pope's; though *Nuncio* is a word doth imply a different ſenſe; for if he do but come to keep a civil Correſpondence between the Pope and the Queen, in that caſe he may be ſaid to be a *Nuncio*: But whether he was an Agent, ſo as to carry any Juriſdiction from the Pope, he doth not know, he cannot ſpeak it poſitively; he was willing to keep himſelf Ignorant as much as he might of many things, having much leſs acquaintance with Catholicks, than it is imagined he had. But as for *Count Rozetti*, he hath heard ſay, That he came with ſome Juriſdiction from the Pope; but had heard him (*Rozetti*) likewiſe ſay at *White-hall*, that he did particularly Renounce any ſuch Juriſdiction in *England*, as was reported he had from the Pope..

Mr. *Montague* was again interrogated upon theſe Queſtions, and made Anſwer much to the purpoſe that Sir *Kenelme Digby* had done.

Petition againſt *Dove.*

The Petition of the Inhabitants of *Paliſwick* in *Eſſex*, againſt Mr. *Thomas Dove*, was Ordered to be read on *Monday*, and referred then, as alſo *Chigwell* Petition, to the Committee for ſcandalous Miniſters,

Upon

16 *Caroli.*

Upon a Debate this day in the Lords Houſe, touching the Power of conveying away of Honour, it was (*Nemine Contradicente*) Reſolved upon the Queſtion,

Honour not alienable

That no Perſon that hath any Honour in him as a Peer of this Realm, may alien and transfer the ſame to any other Perſon.

Judges to be examined.

It was alſo Ordered by the Lords, That ſuch Judges as the Houſe of Commons ſhall deſire, are to be examined in the Caſe of the Lord *Finch* by the ſame Deputed Lords as were appointed in the Earl of *Strafford's* Caſe: But the Judges are not to be examined upon any thing to accuſe themſelves.

Monday, Feb. 1.

Sir *Nathanael Brent*, and Sir *John Lamb*, Summoned for laying a Tax upon the Town of *Hodſden* in the County of *Bucks*, contrary to Law, for the maintaining a pair of Organs and an Organiſt.

Biſhops.

Then part of the Miniſters *Remonſtrance* concerning the Government of the Church, was Read, in the Debate whereof, ſome ſmart Repartees paſs'd between Mr. *Grimſton* and Mr. *Selden*. Mr. *Grimſton* Arguing thus: That *Biſhops are* Jure Divino, *is a queſtion*; *That Archbiſhops are not* Jure Divino *is out of queſtion. Now that Biſhops which are queſtioned whether* Jure Divino, *or Archbiſhops which out of queſtion, are not* Jure Divino, *ſhould ſuſpend Miniſters that are* Jure Divino, *I leave to you to be conſidered.* To which Mr. *Selden* Anſwered: That the Convocation is *Jure Divino*, is a queſtion, *That Parliaments are not* Jure Divino, *is out of queſtion*: *That Religion is* Jure Divino, *there is no queſtion. Now Sir, That the Convocation which is queſtionable, whether* Jure Divino, *and Parliaments which out of queſtion are not* Jure Divino, *ſhould meddle with Religion, which queſtionleſs is* Jure Divino, *I leave to your conſideration.*

February, 2. Cuſtomers.

The Cuſtomers Ordered to deliver Mr. *Vaſſell's* Goods Seiſed formerly by the Commiſſioners of the Cuſtomes.

Sir *Nicholas Criſp* expelled the Houſe.

Sir *Nicholas Criſp's* Caſe Reported, concerning his Patent for the ſole gathering of *Copperas-ſtones* on the Sea Coaſt: Whereupon he was Voted to be expelled the Houſe; and Mr. *Speaker* to Iſſue out a Warrant to the Clerk of the Crown, to ſend out a Writ for a new Election to *Winchelſea* in *Suſſex*, for which place he ſerved as a Member. And further it was Ordered, That the whole conſideration of *all Monopolies* (except thoſe of *Salt*, *Soap*, and *Leather*) be referred to a Committee, to conſider who were the Authors of the ſeveral Patents and Grants for Monopolies, and of all others that have had any hand in the procuring or concealing of any Patent or Grant, or have received any Money or Gift for any of them. And have Power to inquire after all Grants of Patents; all Proclamations, Commiſſions, Contracts, Aſſignments, or any other thing that may have any relation, or concern any Patent, or any Grant of any Monopoly or Project.

Monopolies to be inquired after.

February, 3. Meſſage.

The Houſe of Lords ſent a Meſſage to the Houſe of Commons, *That his Majeſty will be at the Banquetting Houſe at* Whitehall, *about Two a Clock in the Afternoon, and will expect their Attendance at that time, to receive his Majeſty's Anſwer to the Remonſtrance lately preſented to his Majeſty concerning* Goodman *the Prieſt, Papiſts, and Pope's* Nuncio.

At which time the Houſes Attending accordingly; his Majeſty was pleaſed to make the following Gracious Speech unto them.

The King's Anſwer to the Remonſtrance.

HAving taken into my ſerious conſideration, the late Remonſtrance of the Houſes of Parliament, I give you this Anſwer.

That I take in good part your Care of the true Religion Eſtabliſh'd in this Kingdom, from which I will never depart: As alſo your tenderneſs of my Safety, and the ſecurity of this State and Government. It is againſt my mind that *Popery* or Superſtition

16 *Caroli.*

Superſtition ſhould any way increaſe within this Kingdom, and will reſtrain the ſame by cauſing the *Laws* to be put in Execution.

I am reſolved to provide againſt the *Jeſuits* and *Papiſts*, by ſetting forth a *Proclamation* with all ſpeed, Commanding them to depart the Kingdom within one Month; of which if they fail, or ſhall return, then they ſhall be proceeded againſt according to the Laws.

† One ſaid to be the Pope's Nuntio.

Concerning *Roſetti*, † I give you to underſtand; That the Queen hath always aſſured me, That to her knowledg he hath no Commiſſion, but only to retain a perſonal Correſpondence between her and the Pope, in things requiſite for the Exerciſe of her Religion, which is warranted to her by the Articles of Marriage; which gave her a full Liberty of Conſcience: Yet I have perſuaded her, that ſince the miſunderſtanding of the perſons condition gives offence, ſhe will in a convenient time remove him.

Moreover I will take a ſpecial care to reſtrain my Subjects from reſorting to Maſs at *Denmark* Houſe, St. *Jame's*, and the Chappels of Ambaſſadors.

Laſtly, Concerning *John Goodman* the Prieſt, I will let you know the reaſon why I Reprieved him, and it is, That (as I am informed) neither Queen *Elizabeth*, nor my Father did ever avow, That any Prieſt in their times was Executed meerly for Religion, which to me ſeems to be this particular; yet ſeeing I am preſt by both Houſes to give way to his Execution, becauſe I will avoid the inconveniency of giving ſo great a diſcontent to my people, as I conceive this Mercy may produce; therefore I do remit this particular cauſe to both the Houſes, but I deſire them to take into their conſideration the inconveniencies (as I conceive may upon this occaſion fall upon my Subjects and other Proteſtants abroad, eſpecially ſince it may ſeem to other States to be a ſeverity. Which having thus repreſented, I think my ſelf diſcharged from all ill conſequence that may enſue upon the Execution of this Perſon.

The next day his Majeſty likewiſe cauſed a Petition of this *Goodman*, to be Communicated to the Houſe of Lords by the Lord Keeper, which Petition was in theſe Words.

To the King's moſt Excellent Majeſty, the Humble Petition of *John Goodman*, Condemned.

Humbly Sheweth,

THat whereas your Petitioner hath been informed of a great diſcontent in many of your Majeſties Subjects, at the Gracious Mercy your Majeſty was freely pleaſed to ſhew unto your Petitioner, by the ſuſpending the Execution of the Sentence of Death pronounced againſt your Petitioner for being a Romiſh Prieſt.

Theſe are humbly to beſeech your Majeſty, rather to remit your Petitioner to their Mercy that are diſcontented, than to let him live the ſubject of ſo great diſcontent in your People againſt your Majeſty; for it hath pleaſed God to give me the Grace, to deſire with the Prophet, That if this Storm be raiſed for my ſake, I may be caſt into the Sea, that others may avoid the Tempeſt.

This is, moſt Sacred Sovereign, the Petition of him, that ſhould eſteem his Blood well ſhed, to cement the breach between your Majeſty and your Subjects upon this occaſion.

Ha. Feſtor. *John Goodman.*

The *Scots* Demands conſidered.

This day the Houſe Reaſſumed the Conſideration of the *Scots* Demands, eſpecially upon that Propoſition of their expecting Reparation for their great loſſes ſuſtained upon their Expedition into *England*. Whereupon there was very great Debate in the Houſe, ſome thinking it to be diſhonourable to repair their Loſſes, and our own Nation not conſidered for the Damages done them by the *Scots* Army.

Upon this occaſion Sir *Benjamin Rudyard* delivered his mind in a Speech as follows.

Sir

16 *Caroli.*

Sir *Benjamin Rudyard's* SPEECH.

Sir *Benjamin Rudiard's* Speech about the *Scots* Demands.

Mr. *Speaker*,

IT will become us thankfully to acknowledge the Prudent and Painful endeavours of my Lords, the Peers Commiſſioners, in Treating with the *Scots*, and in Mediating with the King; whereby (God aſſiſting) we are now probably drawing near to a bleſſed Peace.

His Majeſty in his Wiſdom and Goodneſs, is graciouſly pleaſed to give his Royal Aſſent to their Acts of Parliament; wherein their Articles of their Aſſembly are likewiſe included: Inſomuch, as their Religion, their Laws, their Liberties, are Refined and Eſtabliſh'd, beſides their Grievances relieved and redreſſed; for which we uſe to give the King Money, and are ſtill ready to do it. This, although it be a large, yet it is not received as a full ſatisfaction.

Beſides when they came into *England*, they publiſhed a Remonſtrance; 'That 'they would take nothing of the *Engliſh*, but what they would pay for, or give ſecurity;" we have defrayed them hitherto, and are provided to do it longer.

They did well remember, That we aſſiſted them in the time of their Reformation; and it is not to be forgotten, that we did bear our own Charges.

Concerning mutual Reſtitution of Ships and Goods, My Lords the Commiſſioners have very fairly and diſcreetly accommodated that particular already.

As for inferential and conſequential Damages, ſuch a Repreſentation would but miniſter unacceptable matter of difference and conteſtation, which amongſt Friends ought to be warily and wiſely avoided.

We could alledg, and truly too, That *Northumberland*, *Newcaſtle*, and the Biſhoprick, will not recover their former State theſe Twenty Years. We have heard it ſpoken here in this Houſe, by an underſtanding knowing Member in the particular, That the Coal Mines of *Newcaſtle*, will not be ſet right again for One hundred thouſand Pounds; beſides the over-price of Coals, which all the while it hath and will coſt this City, and other parts of the Kingdom. A great deal more of this nature might be rehearſed; but I delight not to preſs ſuch Tenter-ſtretched Arguments: Let us on both ſides rather thank God, by proceeding in the way he hath layed before Us, and not wry his way to ours; time and his Bleſſing will repair all our implicit Damages, with many proſperous explicit advantages.

They ſay, that they do not make any formal Demand, but they do make a Sum to appear, Five hundred and fourteen thouſand Pounds, more than ever we gave the King at once. A Portentous Apparition; which ſhews it ſelf in a very dry time: When the King's Revenue is totally exhauſted, his Debts exceſſively multiplied, the Kingdom generally impoveriſhed by Grievous Burthens, and diſordered courſes: All this ſupply is to be drawn out of us only, without the leaſt help from any of his Majeſty's other Dominions; which to my ſeeming, will be an utter draining of the People, unleſs *England* be *Puteus inexhauſtus*, as the Popes were wont to call it.

Notwithſtanding, Sir, now that I have in part opened the ſtate we are in, tho nothing ſo exactly as they have done theirs; I ſhall moſt willingly and heartily afford the *Scots* whatſoever is juſt, equitable and honourable, even to a convenient, conſiderable, round Sum of Money, towards their Loſſes and Expences; that we may go off with a friendly and handſome Loſs: If they reject it, we ſhall improve our Cauſe.

It was never yet thought, Mr. *Speaker*, any great wiſdom, over much to truſt a ſucceſsful Sword. A man that walks upon a riſing ground, the further he goes, the larger is his proſpect; ſucceſs inlarges mens deſires, extends their ambition, it breeds thoughts in them they never thought before; this is natural and uſual. But the *Scots* being truely touched with Religion, according to their profeſſion, that only is able to make them keep their word; for Religion is ſtronger and wiſer than reaſon, or reaſon of State.

Beyond all this, Mr. *Speaker*, the remarkable traces of God's wonderful Providence in this ſtrange work, are ſo many, ſo apparent, as I cannot but hope, almoſt to belief. That the ſame All-Governing Merciful hand, will conduct and lead us to a happy concluſion; will contract a cloſer, firmer Union, between the Two Nations, than any meer human Policy could ever have effected, with ineſtimable benefits to both; in advancing the Truth of Religion; in exalting the greatneſs of the

16 *Caroli*

King, in ſecuring the Peace of his Kingdoms, againſt all Malicious, Envious, Ambitious Oppoſites to Religion, to the King, to his Kingdoms, wherein I preſume all our deſires and prayers do meet.

Afterwards, Mr. Jarvis Hollis *ſpake his ſenſe as to this matter thus*,

Mr. *Speaker*,

I Have with much difficulty perſwaded my ſelf to offer any thing, my little ſtock to this reckoning; yet ſince I have adventured to riſe, I ſhall take the liberty with your Favour to deliver my ſelf freely. I have a blunt way of ſpeaking my heart, it may be peradventure, a folly in me, but it is a folly I love ſo well, I will not part with it.

Sir, we are now upon the 5*th* Article of the *Scots*, which as it was expreſſed by a Noble Lord, at the conference, is a very teeming Article, it hath produced many other, and they ſuch, as I muſt confeſs and affirm, whatſoever Fucus or Artifice they be ſlighted over with, I do not like their Countenance, they may well be our Younger Brother of *Scotland*, but like *Jacob*, they ſeem to me as if they had an aim to *ſupplant* us, and take away our Birthright.

Sir, there is no man that hath a more Charitable Conſtruction of Intentions, than I had, whilſt they made their Addreſſes in humble Diſtance, as befitted Subjects to their Soveraign; whilſt they bounded their deſires within the due limits of their ancient Liberties, and ſeemed to wiſh nothing but the juſt freedom of Subjects and Chriſtians in their Laws and Conſciences, my heart went along with them, and I wiſhed them ſatisfaction; but now Sir, when I ſee them ſwell in their demands beyond all proportion, when I heard them enlarge upon their firſt Propoſitions, and require things unfit for a King to grant, and diſhonourable for this Nation to ſuffer, I cannot but fix a mark of danger upon them, I fear we have nouriſhed in our boſom thoſe that will ſting us to Death.

Here being Interrupted, yet the Houſe Commanding him to go on, he ſaid as followeth.

Sir, I am ſorry for this Interruption, and much more ſorry, if I have given a Cauſe for it, for the clearneſs of my own Thoughts acquits me; I brought no intentions here, but ſuch as were full of fidelity and zeal for the ſervice of this Houſe, and my Countrey, and ſhall always conſerve them; and now if you pleaſe to Command me to expreſs my ſelf like an *Engliſh-man* and an Honeſt man, I ſhall proceed; otherwiſe, I ſhall teſtify my Obedience in my ſilence.

Then he was Commanded to proceed, which he did as followeth.

The Miſeries and Calamities which this poor Kingdom hath thus long ſuffered, have hung like weights upon my Soul, and I have groaned under the Oppreſſion; for it was a great one: But theſe, as they call them Propoſitions, I muſt call them Commands, and I fear they will prove ſo; they threaten yet more, it is to unman us quite, and leave us in a Condition of all others the moſt deſpiſable, for theſe appear to me like the demands of *Naaſh*, to the men of *Jabeſh*, putting out our Right Eyes.

Sir, our Anceſtors have not been acquainted with ſo much tameneſs as to hear of ſuch demands at a diſtance; and it cannot but trouble me, that we ſhould not only meet them at the half way, but embrace the Bearers.

Sir, we are the Offspring of theſe Anceſtors, their Blood runs in our Veins, and I hope as yet is not all turned to water; there are Spirits of life and activity in us, and theſe will revive and ſpeak plain *Engliſh* to us, whatever Damp or Apoplexy this Spirit of ſlumber hath caſt upon us; and I hope we ſhall either yet live with Honour, or take our Honourable farewel, and ſo be Honeſt and Gallant men; between theſe two there is not much difference.

Therefore, Sir, my Humble Propoſition is this, That theſe Propoſitions may be committed to a ſelect Committee, to conſider of thoſe which carry reaſon and modeſty with them, that they may be preſented here as fitting to be granted; and that thoſe which are of another Inſinuation, may be rejected: And if our firm Peace may be had upon Honeſt and Honourable terms, I will cheriſh the thoughts of it; if not, there are but two ways left worthy the entertainment of this Nation; that is, to ſtand, or fall with Honour.

God, I hope, and our *Engliſh* Vertues, will ſecure the firſt; if otherwiſe, he is neither worthy of Life, nor Memory, that ſhall not bury himſelf in the ruins of his Countrey.

When

16 *Caroli.*

When Mr. *Hollis*, at the Concluſion of this Speech, went to ſit down, many Members cried, *To the Bar*, *To the Bar*; others declin'd that Cry, and moved he might have leave to Explain himſelf; which being granted, Mr. *Jarvis Hollis* ſtood up and made his Explanation; but it not giving ſatisfaction, he was again called to the Bar, and ſuſpended from the Houſe during this Seſſion.

After long Debates concerning this Affair, for Relief and Friendly Aſſiſtance of the *Scots*, the Houſe at laſt came to this Reſolve,

Three Hundred Thouſand pounds for our Brethren the *Scots*.

That this Houſe doth Conceive the ſum of 300000 *l.* a fit proportion for the Friendly Aſſiſtance and Relief thought fit to be made towards the Loſſes and Neceſſities of *our Brethren* of *Scotland*; And that this Houſe will, in due time, take into Conſideration the manner how, and the time when the ſame ſhall be raiſed.

February 4. Mr. *Nevil* of *Yorkſhire* ſent to the Tower, for diſcovering words ſpoken in the Houſe.

Mr. *Francis Nevil* of *Yorkſhire*, a Member of the Houſe, was this day queſtioned for Breach of Privilege in the preceding Parliament, which met the 13th of *April* 1640. by diſcovering to the King and Council, what words ſome Members did let fall in their Debate in that Houſe; whereupon Mr. *Bellaſis*, Knight for *Yorkſhire*, and Sir *John Hotham*, were Committed by the Council-Board; and M. *Nevil* being brought to the Bar, was by the Houſe Committed to the *Tower* of *London*; and Sir *William Savill*, touching the ſame matter, was ordered to be ſent for.

Friday Febr. 5. *Bowen.*

A Petition of the Inhabitants of *Wood-Church* in *Kent*, againſt Mr. *Bowen* their Parſon, who being alſo a Juſtice of Peace, had by colour of that Office done ſeveral things which they complained of as Grievances.

Clergy to be put out of Commiſſion of the Peace.

Upon the Debate whereof, the Houſe came to a Reſolution, and Ordered, That the Lord Keeper be deſired to leave out *the Clergy* in *England* and *Wales*, at the Renewing of the *Commiſſion of the Peace*.

There was delivered likewiſe, a Meſſage from the Queen, by Mr. *Comptroller*, to excuſe the Raiſing of Money by the Recuſants for the *Northern* Expedition, in theſe following words:

Her Majeſty's Meſſage.

THat Her Majeſty hath been ready to uſe Her beſt endeavours for the removing of all miſunderſtandings between the King and his People.

That at the Requeſt of the Lords who Petitioned the King for a Parliament, Her Majeſty at that time writ effectually to the King, and ſent a Gentleman expreſly to perſuade the King to the holding of a Parliament.

That ſhe hath ſince been moſt willing to do all good Offices between the King and his people, which is not unknown to divers of the Lords; and ſo ſhall ever continue to do, as judging it the only way of happineſs to the King, Her ſelf, and the Kingdom, and that ſo all things may be juſtly ſettled between the King and His People, and all Cauſe of Miſunderſtanding taken away and removed.

That Her Majeſty having taken knowledg, that having one ſent to Her from the Pope, is diſtaſtful to the Kingdom, ſhe is deſirous to give ſatisfaction to the Parliament, which in convenient time ſhe will do, and Remove him out of the Kingdom.

That underſtanding likewiſe that exception had been taken to the great Reſort to the Chappel of *Denmark-Houſe*, She will be careful not to exceed that which is convenient and neceſſary for the Exerciſe of Her Religion.

She further taketh notice, That the Parliament is not ſatisfied with the manner of Raiſing Money for the Aſſiſtance of the King in His Journey to the *North* in the year 1639. at her entreaty from the Catholicks; She was moved thereunto merely out of her dear and tender affection to the King, and by the Example of others His Majeſty's Subjects in whom ſhe ſeeing the like forwardneſs, could not but expreſs her forwardneſs to the Aſſiſtance of the King.

If any thing be Illegal, She was Ignorant of the Law, and was carried therein only out of a great deſire to be aſſiſtant to the King in ſo preſſing an occaſion; but pro-

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promiſeth to be more cautious hereafter, and not to do any thing but what may ſtand with the Eſtabliſhed Laws of the Kingdom.

Her Majeſty being deſirous to Imploy Her whole Power to Unite the King and his People, deſireth the Parliament to look forwards, and paſs by ſuch Miſtakes and Errors of Her Servants as may have been formerly committed; and this your Reſpect, She promiſeth ſhall be repay'd with all the good Offices She can do to this Houſe, which you ſhall find with Real Effects, as often as there ſhall be occaſion.

Saturday Febr. 6 Mr. *St. John's* Speech.

A Committee to take care that the Copies that are abroad of the Speech or Declaration, (which Mr. St. *John* the Kings Sollicitor) delivered at a Conference with the Lords concerning the Ship-money, may be ſuppreſſed; and he that cauſed them to be Printed Imperfectly, to be queſtioned: And they are likewiſe to ſee how the Conſultations concerning the *Ship-money* are entred in the Lords Houſe; And that a true Copy of Mr. Sollicitor's Declaration may be brought in hither; and then to conſider how a Declaration of the whole Proceedings may be ſet forth in Print, and a *Vacatur* be Entred upon all the Records in the Courts of *Weſtminſter*, where the Judges opinions are Entred.

The Matter of the Treaty with the *Scots*, came again into Debate; and the further *Ceſſation* agreed to by the Lords Commiſſioners for a Month, was by the Houſe conſented to, if the Treaty ſhould ſo long continue.

Scots Thanks.

And the *Scots* Commiſſioners return'd their Thanks to the Parliament for the Three Hundred Thouſand Pound; and for the Style of *Brethren* given them in the Vote of the Houſe on that occaſion.

Monday and *Tueſday*, *Febr.* 8, 9. Epiſcopacy.

There were theſe Two Days, great and tedious Debates in the Houſe of Commons, concerning Epiſcopal Government; divers Opinions there were, ſome for the Reformation of Biſhops; others, to have them quite taken away. It was agreed by moſt, to take from them their Lordly Prelacy, to tye them up from medling with Temporal Affairs, and to reſtrain their Juriſdictions and Courts.

Concerning which, the following Speeches were then made in the Houſe; The Lord *Digby* beginning with an Eloquent Harangue in favour of Epiſcopacy; and Mr. *Fiennes*, and others of contrary Sentiments, Anſwering thereunto, which took up moſt of the time theſe two days.

The Lord *Digby's* SPEECH, about the *London* Petition, and Biſhops.

Mr. *Speaker*,

The Lord *Digby's* Speech about the *London* Petition and Biſhops, *Febr.* 9. 1640.

I Know it is a *tender* Subject I am to ſpeak of, wherein I believe ſome within theſe Walls are engaged with earneſtneſs in contrary Opinions to mine, and therefore it will be neceſſary, that in the firſt place, I beſeech the *patience* of this Houſe, that they will be pleaſed to hear me without Interruption; tho ſomewhat I ſay ſhould chance to be diſpleaſing, I hope there will be ſomewhat from me, ere I conclude, that may be of Service to this Houſe.

Sir, If I thought there were no further deſign in the deſires of ſome, that this *London* Petition ſhould be Committed, than merely to make uſe of it, as an *Index of Grievances*, I ſhould wink at the Faults of it, and not much oppoſe it.

There is no man within theſe Walls, more ſenſible of the *Heavy Grievance of Church Government* than my ſelf, nor whoſe affections are *keener* to the Clipping of theſe *Wings of the Prelates*, whereby they have mounted to ſuch *Inſolencies*; nor whoſe Zeal is more ardent to the *Searing* them ſo, as they may never ſpring again.

But having Reaſon to believe that ſome aim at a *total extirpation* of Biſhops, which is againſt my heart; and that the Committing of this Petition may give countenance to that deſign, I can[illegible] reſtrain my ſelf from labouring to divert it, or at leaſt to ſet ſuch Notes upon it as may make it ineffectual to that end.

Truly

16 *Caroli.*

Truly Sir, when this Petition was firſt brought into the Houſe, I conſidered it in its Nature, in the manner of delivery, in the preſent conjuncture of Affairs, both Eccleſiaſtical and Civil, to be a thing of the higheſt Conſequence that any Age hath preſented to a Parliament; and the ſame thoughts I have of it ſtill.

I profeſs, I looked upon it then with *Terror*, as upon a Commet or *Blaſing Star*, raiſed and kindled out of the Stench, out of the poyſonous Exhalation of a corrupted Hierarchy: Me thought the Commet had a terrible tail with it, Sir, and pointed to the *North*, the ſame Fears dwell with me ſtill concerning it; (and I beſeech God they may not prove *Prophetical*) I fear all the Prudence, all the Forecaſt, all the Virtue of this Houſe, how unitedly ſoever collected, how vigorouſly ſoever applyed, will have a hard work of it yet to hinder this *Meteor* from cauſing ſuch Diſtempers and Combuſtions by its Influence, as it then portended by its appearance, what ever the event be, I ſhall diſcharge my Conſcience concerning it freely and uprightly, as unbiaſt by *Popularity*, as by any *Court Reſpects*.

Sir, I could never flatter the Senſe of this Houſe which I reverence ſo much, as to ſuppreſs a ſingle *No*, that my heart dictated, though I knew the venting of it might caſt Prejudices upon me; had my Fortune placed me near a *King*, I could not have flattered a King; and I do not intend now to flatter a *Multitude*.

I ſhall deſire thoſe worthy Aldermen, and the reſt here of the City of *London*, not to take any thing I ſhall ſay, in the leaſt way of Diſparagement or Reflection on the City; I look not upon this Petition as a Petition from the City of *London*, but from I know not what 15000. *Londoners*, all that could be got to ſubſcribe.

When this Petition was firſt preſented, there might be more reaſon for the Commitment of it, as being then the moſt comprehenſive Catalogue we had of *Church Grievances*; but now that the Miniſters by their Remonſtrance, have given us ſo fair and full an Index of them, without thoſe mixtures of things, *contemptible*, *irrational*, and *preſumptuous*, wherewith this Petition abounds, I do not know, I profeſs to what good end it can be Committed, being full of Contemptible things. But firſt, Let me recall to your mind the manner of its delivery; and I am confident there is no man of Judgment, that will think it fit for a Parliament under a *Monarchy*, to give Countenance to irregular and tumultuous Aſſemblies of people, be it for never ſo good an end: Beſides, there is no man of the leaſt inſight into *Nature*, or *Hiſtory*, but knows the Danger, when either true, or pretended Stimulation of *Conſcience* hath once given a multitude Agitation.

Contemptible things, Sir, ſwarm in the 8, 13, 14, 15, 16, 17. Articles of this Petition; did ever any body think that the Gayeties of *Ovid*, or *Tom. Coryat*'s *Muſe*, ſhould by 15000. have been preſented to a Parliament, as a motive for the extirpation of *Biſhops*, the ſcandal of the *Rochet*, the *Lawn-Sleeves*, the four-Corner *Cap*, the *Cope*, the *Surplice*, the *Tippet*, the *Hood*, the Canonical *Coat*, &c. may paſs with Arguments of the ſame weight, only thus much let me obſerve upon it, (Mr. *Speaker*), That one would ſwear the Penners of the Article, had the *pluming* of ſome Biſhops already, they are ſo acquainted with every *Feather* of them. In a word, I know not whether it be more prepoſterous to infer the extirpation of Biſhops from ſuch weak Arguments, or to attribute as they do to Church Government, all the Civil Grievances, not a *Patent*, not a *Monopoly*, not the price of a Commodity raiſed, but theſe men make Biſhops the cauſe of it.

For the irrational part, (Mr. *Speaker*), Firſt they Petition us in a Method only allowable with thoſe, whoſe Judgment or Juſtice is ſuſpected; that is *iniquum petere, ut æquum ferus*. There is no *Logick*, no reaſoning in their demands; it were want of Logick in me, to expect it from a Multitude; but I conſider the multitude in this, is led by *implicite* Faith, to that which hath been digeſted, and contrived but by a *few*; and in them, truly, I cannot but wonder at the want of Reconciliation here.

A Petition, Mr. *Speaker*, ought in this to be a kind of *Syllogiſm*, that the Concluſion, the Prayer, ought to hold proportion with the *Premiſſes*; that is, with the Allegations and Complaints, and to be reaſonably deduced from them.

But what have we here? A multitude of Allegations, a multitude of Inſtances, of Abuſes, and depravations of Church-Government: And what inferred from thence? Let the *uſe* be utterly aboliſh't for the abuſes ſake; as if they ſhould ſay, that becauſe Drunkenneſs and Adultery are grown ſo epidemical, as is alledged in the Petition, let there be no more uſe of *Wine* nor of Women in the Land.

Chriſt's Diſcipline hath been Adulterated, 'tis true, the whole Church inebriated by the *Prelates*, therefore infer our Petitioners; Let not ſo much as the Chaſt, the Sober uſe of them be ſuffered.

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Give me leave to continue one of the Compariſons a little further. Should it be demonſtrated unto us, that *VVine* could not be made uſe of without Drunkenneſs; and withal, ſome ſuch Liquor preſented as healthy, and as nouriſhing, from which no Deſtemper could ariſe; I ſhould not blame any man for deſiring to pluck up the Vine by the *Roots*, but for the moveable ills ſake, to take away the ſolid good of a thing, is juſt as reaſonable in this, as to root up a good Tree, becauſe there is a *Canker* in the Branches.

For the *bold* part of this Petition, Sir, what can there be of greater preſumption, than for Petitioners, not only to *preſcribe* to a Parliament, what, and how it ſhall do; but for a multitude to teach a Parliament what, and what is not the Government, according to *God's word*.

Beſides, what is the Petition againſt? Is it not againſt the Government of the Church of *England* eſtabliſhed by *Acts* of Parliament? Is it not againſt the Liturgy, againſt ſeveral Forms of Divine Service, ratified by the ſame Authority?

'Tis true, Mr. *Speaker*, The Parliament may mend, may alter, may repeal Laws, may make new, and I hope in due Seaſon we ſhall do ſo in point of Church-Government; but in the mean time let me tell you, Sir, I cannot but eſteem it an irreverence, and high Preſumption in any, to Petition point blank againſt a Law, or Government in force.

Repreſentment of inconvenience may be made (as the Miniſters have done), ſuch as may enduce the Wiſdom of a Parliament, to adviſe Laws, to rectify, to repeal them; but it imports the very eſſence of Parliaments to keep up the Honour of its former Acts, and not to ſuffer them to be further blaſted from abroad.

Believe me, Mr. *Speaker*, all the Reverence and Authority which we expect from future times to our own Acts hereafter, depends upon our upholding the Dignity of what former Parliaments have done, even in thoſe things which in their due time we may deſire, and intend to reverſe.

Mr. *Speaker*, You ſee in what plain Language I have ſet forth unto you the faults of this Petition; notwithſtanding as great as they are, ſo they may not obtain any ſeeming Countenance from us, I find my ſelf willing to have them paſt by, eſpecially when I conſider how naturally prone all mankind is, when it finds it ſelf oppreſt beyond Patience, to fly unto *extreams* for eaſe; and indeed, I do not think that *any people hath been ever more provoked*, than the generality of *England* of late Years by the *Inſolencies and Exorbitances of the Prelates*.

I proteſt ſincerely, Mr. *Speaker*, I cannot caſt mine eye upon this Petition, nor my thoughts on the practices of the Church-men, that have governed it of late, but they appeared to me as a Scourge imployed by God upon us, for the ſins of the Nation; and I could not but think of that paſſage in the Book of *Kings*, *He that eſcapes the ſword of* Hazael, *ſhall* Jehu *ſlay*; *and he that eſcapes* Jehu, *ſhall* Eliſha *ſlay*.

Methinks, *The Vengeance of the Prelates* hath been ſo layed, as if 'twere meant, no Generation, no Degree, no Complection of mankind ſhould eſcape it.

Was there a man of *nice* and tender Conſcience? him have they afflicted with ſcandal, in *Adiaphoris*, impoſing on him thoſe things as *neceſſary*, which he thinks *unlawful*, and they themſelves knew to be but *indifferent*.

Was there a man of *a legal* Conſcience, that made the eſtabliſhment by Law, the meaſure of his Religion? Him have they netled with Innovations, with freſh Introductions to Popery.

Was there a man of a meek and *humble* Spirit? Him have they trampled to dirt in their Pride.

Was there a man of a proud and arrogant Nature? Him have they bereft of reaſon, with Indignation at their ſuperlative Inſolence about him.

Was there a man peaceably affected, ſtudious of the Quiet and Tranquillity of his Countrey? Their *Incendiariſhips* hath plagued him.

Was there a man faithfully addicted to the Right of the Crown, Loyally affected to the King's Supremacy? How hath he been galled by their new *Oath*? a direct Covenant againſt it.

Was there a man tenacious of the Liberty and Property of the Subject? Have they not ſet forth Books, or Sermons, or Canons deſtructive to them all?

Was there a man of a pretty *ſturdy* Conſcience, that would not blanch for a little? Their pernicious Oath hath made him ſenſible, and wounded; or I fear, prepared him for the Devil.

Was

16 *Caroli.*

Was there a man that durſt *mutter* againſt their Inſolencies? He may inquire for his *Lugs*, they have been within the Biſhops Viſitation; as if they would not only derive their Brandiſhment of the *ſpiritual* Sword from St. *Peter*, but of the *material* one too, and the right to cut off ears.

Mr. *Speaker*, As dully, as faintly, as uplively, as in Language, theſe Actions of the Prelates hath been expreſſed unto you; I am confident there is no man hears me, but is brim-full of indignation.

For my part, I profeſs, I am ſo enflamed with the ſenſe of them, that I find my ſelf ready to cry out with the loudeſt of the 15000; Down with them, *down with them, even to the ground.*

But, Mr. *Speaker*, when I caſt my eye round about this great and wiſe Aſſembly, and find my ſelf a part too, (though the moſt unworthy, and inconſiderable) of that Senate, from whoſe Diſpaſſionate and equal Conſtitutions preſent and future times muſt expect their happineſs or infelicity;

It obliges me to the utmoſt of my power to diveſt my ſelf and others, of all thoſe diſturbances of Judgment, which ariſe ever from great Provocations; and to ſettle my thoughts in that temper, which I think neceſſary to all thoſe that would judge clearly of ſuch things as have incenſed them.

I beſeech you Gentlemen, let us not be led on by *paſſion* to popular and vulgar Errors; it is natural (as I told you before), to the multitude to fly into extreams; that ſeems ever the beſt to them, that is moſt *oppoſite* to the preſent object of their Hate.

Wiſe Councels (Mr. *Speaker*), muſt ſquare their Reſolutions by another meaſure, by what's moſt Juſt, moſt Honourable, moſt Convenient; believe me, Sir, great alterations of Government are rarely accompanied with any of theſe: Mr. *Speaker*, we all agree upon this, That a Reformation of Church-Government is moſt neceſſary; and our happy unity of Opinions herein, ſhould be one Argument unto us to ſtay there. But, Sir, to ſtrike at the *Root*, to attempt a total Alteration, before ever I can give my Vote unto that, three things muſt be made manifeſt unto me; Firſt, That the miſchiefs which we have felt under *Epiſcopal* Government, flow from the Nature of the Function, not from the abuſes of it only; that is, that no Rules, no Boundaries, can be ſet to Biſhops, able to reſtrain them from ſuch Exorbitances. Secondly, Such a frame of Government muſt be laid before us, as no time, no Corruption, can make liable to proportionable Inconveniences with that which we aboliſh. And Thirdly, it muſt be made to appear, that this *Utopia* is practicable.

For the Firſt, *Sir*, That Epiſcopacy, a Function deduced through all Ages of Chriſt's Church from the Apoſtles times, and continued the moſt venerable and ſacred Order Eccleſiaſtical; a Function, dignified by the Learning and Piety of ſo many *Fathers* of the Church, glorified by ſo many *Martyrdoms* in the Primitive times, and ſome ſince our own bleſſed Reformation; a Government admired (I ſpeak it knowingly), by the Learneſt of the *Reformed Churches* abroad; and Laſtly, A Government under which, (till theſe late years) this Church hath ſo flouriſhed, ſo fructified; that ſuch a Government, ſuch a Function, ſhould at the *Fag end* of 1640. Years, be found to have ſuch a *cloſe Devil* in it, as no power can *Exorciſe*, no Law reſtrain, appears, (*Sir*) to me a thing very improbable; I profeſs, I am deceived Sir, if *Triennial* Parliaments will not be a *Circle* able to keep many a worſe Devil in order.

For the Second, I know not the ſtrength of other mens Fancies, but I will confeſs unto you ingenuouſly the weakneſs of my Faith in the Point, That I do not believe there can any other Government be propoſed, but will in time be ſubject to as great, or greater Inconveniences than Epiſcopacy; I mean Epiſcopacy ſo ordered, reduced, and limited, as I ſuppoſe it may be by firm and ſolid Boundaries.

'Tis true, Sir, we cannot ſo well judge before-hand of future Inconveniences, for the knowledg of the Faults and Miſchiefs of Epiſcopal Government, reſulting from freſh and bleeding experience.

And the inſight into dangers of any new way that ſhall be propoſed, being to riſe only from ſpeculation, the apprehenſion of the *one* is likely to be much more operative than of the other, tho perhaps in juſt reaſon it ought to be the *weaker* with us. It is hard in ſuch caſes for us to preſerve an equal and unpropenſe Judgment (Senſe being in things of this world ſo much too hard for Faith and Contemplation) yet, as Divine as our Inſpection is into things not experimented, if we hearken to thoſe that would

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would quite extirpate Epiſcopacy; I am confident that inſtead of every *Biſhop* we put down in a Dioceſs, we ſhall ſet up a *Pope* in every Pariſh.

Laſtly, Mr. *Speaker*, whether the Subverſion of Epiſcopacy, and the introducing of another kind of Government, be *practicable*, I leave it to thoſe to judge, who have conſidered the Connexion and Interweaving of the Church-Government with the Common Law, to thoſe who heard the *Kings Speech* to us the other day, or who have looked into *Reaſon of State*.

For my part (though no States-man) I will ſpeak my mind freely in this; I do not think a King can put down *Biſhops* totally with ſafety to *Monarchy*; not that there is any ſuch Alliance as men talk of 'twixt the *Miter* aud the *Crown*, but from this reaſon, that upon the putting down of Biſhops, the Government of *Aſſemblies* is like to ſucceed it: That (to be effectual) muſt draw to it ſelf the Supremacy of Eccleſiaſtical Juriſdiction, that (conſequently) the power of *Excommunicating Kings* as well as any other *Brother in Chriſt*; and if a King chance to be delivered over to *Satan*, judge whether men are likely to care much what becomes of him next.

Theſe things conſidered, Mr. *Speaker*, let us lay aſide all thoughts of ſuch dangerous, ſuch fundamental, ſuch unaccompliſhed Alterations, and all thought of countenancing thoſe thoughts in others; let us all reſolve upon that courſe wherein (with union) we may probably promiſe our ſelves *ſucceſs*, happineſs, and ſecurity, that is in a thorough Reformation.

To that, no man's Vote ſhall be given with more zeal, with more heartineſs than *mine*. Let us not *deſtroy Biſhops*, but make Biſhops *ſuch* as they were in the Primitive times.

Do their large Territories, their large Revenues offend? let them be retrencht; the good Biſhop of *Hippo* had but a narrow Dioceſs.

Do *their Courts* and Subordinates offend? let them be brought to Govern as in the Primitive times, by Aſſemblies of their Clergy.

Doth their intermedling in *Secular* affairs offend? exclude them from the Capacity; it is no more than what *reaſon* and all antiquity hath interdicted them.

That all this may be the better effected, Mr. *Speaker*, my motion is, that firſt, We may appoint a Committee to Collect all Grievances ſpringing from the Miſgovernment of the Church (to which the Miniſters Heads of Government will be ſufficient, without Countenancing this Petition by a Commitment) and to repreſent it to this Houſe in a Body.

And in the next place that we may (if it ſtand with the Order of Parliaments) deſire that there may be a Standing-Committee of certain Members of both Houſes, who (with a number of ſuch Learned Miniſters as the Houſes ſhall nominate for Aſſiſtants) may take into conſideration all theſe Grievances, and adviſe of the beſt way to ſettle peace and ſatisfaction in the Government of the Church, to the comfort of all good Chriſtians, and all good Commonwealths-men.

Mr. *Nathanael Fiennes* His SPEECH in Anſwer to the Lord *Digby*'s Febr. 9. 1640.

Mr. *Speaker*,

TWO things have fallen into debate this day: The firſt concerning the *Londoners Petition*, whether it ſhould be Committed or no.

The other concerning the Government of the Church by *Archbiſhops*, *Biſhops*, *&c.* whether it ſhould be countenanced or no.

For the firſt, I do not underſtand by any thing I have yet heard, why the *Londoners* Petition ſhould not be Committed or Countenanced. The Exceptions that are taken againſt it, are from the *Irregularities* of the delivery of it, and from the *ſubject-matter* contained in it.

For the firſt, it is alledged that the long tail of this Blazing-Star is *Ominous*; and that ſuch a number of Petitioners, and ſuch a number that brought the Petition to the Houſe, was *irregular*: Hereunto I anſwer, That the fault was either in the *multitude* of the Petitioners, or in their *Carriages* and Demeanors; if a multitude find themſelves agrieved, why it ſhould be a fault in them to expreſs their Grievances more than in one or a few, I cannot ſee; nay to me it ſeems rather a Reaſon that their Petitions ſhould be committed and taken into ſerious conſideration, for thereby they may receive ſatisfaction, though all may not be granted that they deſire; but if we ſhall throw their Petition behind the Door, and refuſe to conſider it, that may ſeem an *Act of Will* in us. And whether an Act of Will in us,

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may not produce an Act of Will in the people, I leave it to your conſideration. Sure I am, Acts of Will are more dangerous there, than here; becauſe uſually they are more Tumultuous. All Laws are made principally for the quiet and peace of a Kingdom; and a Law may be of ſuch indifferent nature many times, that it is a good reaſon to alter it, only becauſe a great number deſires it, if there were nothing elſe in it; and therefore I do not ſee that the *Number* of Petitioners is any good reaſon why it ſhould not be Committed, but rather to the contrary. *Caroli* 16.

Now for their Carriage: There came indeed three or 400 of the 15000, ſome of the better ſort of them; and there might be good reaſon for it. I have heard that there was brought a Petition to ſome *Privy Councellors* with a thouſand hands to it; and being brought only with *Six men*, they were anſwered, That *they Six might write thoſe Thouſand Hands*: If there were a Thouſand that joyned in the Petition, *why did they not come too?* And we heard it objected but the other day in this Houſe, againſt the *Miniſters Petition*; that there were indeed ſeven or eight hundred Names to it, but *two Hands* only. Therefore it was not without cauſe that a conſiderable number ſhould come with a Petition Signed by ſo many; but for *any diſorder* in their Carriage, I ſaw none. For upon an Intimation in one word from this Houſe, they forthwith retired to their Dwellings. As for the Subject-matter of the Petition, three Exceptions are taken againſt it.

Firſt, That divers things are *contemptible* in it, as that about *Ovid de Amore*, ſet forth in *Engliſh*, and other ſuch things.

Secondly, That in many things their Diſcourſe was altogether *irrational*, for that they argue from perſonal faults of Biſhops, againſt the *Office* it ſelf of Biſhops; and in other things argue from effects that proceed from it by *accident*, as if they did naturally and neceſſarily ariſe out of it.

And in the laſt place, That their Prayer and Concluſion is *bold* and preſumptuous, deſiring ſo boldly an *Abolition* of ſtanding-Laws.

To the firſt I anſwer, That ſome things may ſeem *contemptible* in themſelves, which are not ſo in their *cauſes*, nor in their *effects*; as the ſuffering of ſuch *laſcivious* Pamphlets to be Printed and publiſhed, when other *profitable* Writings are *ſuppreſſed*, doth diſcover a Principle, that looſeneſs and *prophaneneſs* (which will help to bring in *Superſtition*) is more ſuitable to their *Hierarchy* than the contrary, which makes them connive at ſuch things as are apt to produce looſeneſs and lewdneſs, and this is not a contemptible effect, nor doth it proceed from a contemptible cauſe.

In the next place, for that which ſeems *Irrational* in the way of their diſcovery, divers things may ſeem to be *Perſonal* faults, which indeed are derived unto the perſons from the *Office*, or from the Circumſtances thereof. I mean their *Revenues* and *Dignities* on the one ſide, and the *Ceremonies* on the other ſide; for moſt of the things complained of, as *Silencing*, and thruſting out of Godly and painful Preachers, bringing in *Innovations* in Doctrine and Worſhip, and the like; although they may ſeem Perſonal and accidental faults; yet if we follow them to their *laſt reſort*, we ſhall find that their worldly *Wealth and Dignities* ſtir them up to do this; and that their ſole and *Arbitrary power* over the Clergy, in matters Eccleſiaſtical, enable them to effect it, and the *Ceremonies* both new and old ſerve as Inſtruments, and means whereby they effect it.

In the laſt place, That their Prayer in the Concluſion of their Petition, is *bold* or preſumptuous, I do not ſee there is any reaſon ſo to eſteem of it; for if they had taken upon them to *have altered* any thing upon their own Authority, or had *imperiouſly* required the Parliament to do it, then it might deſerve ſuch a Style; but when they come as *humble Suppliants* by way of Petition, deſiring the Altering of Laws that have been found burdenſome unto them, and that of the Parliament, *where*, and wherein only old Laws may be repealed, and new Laws may be made, they came in the *right manner* to their right and proper *place*, and therefore have done nothing boldly, or preſumptuouſly, but orderly, and regularly, and therefore ought not to receive any check or diſcouragement in the way that they have taken.

Now, *Sir*, concerning the Government of the Church by Archbiſhops, Biſhops, *&c.* which alſo hath been ſpoken unto; whereas it is deſired that the Evils and Inconveniencies ſhould be ſhewed which ariſe not from the perſons, but from the *Office it ſelf* of Biſhops, I ſhall apply my Diſcourſe particularly to that point. But firſt, I ſhall crave leave to ſay a word or two in anſwer to what hath been alledged for the credit of the Government by Biſhops. Firſt, that it is as *ancient* as Chriſtian Religion, and that it hath continued ever ſince the time of Chriſt and his Apoſtles;

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as for this, I do not pretend to have ſo much knowledg in Antiquity as to confute this out of the Fathers and Eccleſiaſtical Hiſtories; (although there are that undertake that) only one Sentence I have often heard cited out of St. *Jerome*, that in the Primitive times, *Omnia communi Clericorum concilio Regebantur*; and truly ſo far as the Acts of the Apoſtles, and the New Teſtament goeth, which was the ancienteſt and moſt Primitive time of Chriſtianity, I could never find there any diſtinction between a *Biſhop* and a *Presbyter*, but that they were one and the very ſame thing. In the next place, that which is alledged for the credit of Epiſcopacy, is, that our *Reformers* and *Martyrs* were many of them Biſhops, and practiſed many of thoſe things now complained of; and that in other Reformed Churches where Biſhops are not, yet they are *deſired*. For the Martyrs and Reformers of the Church that were Biſhops, I do not underſtand that that was any part of their Reformation, nor of their *Martyrdom*; I have read, that whereas *Ridley* and *Hooper* had ſome difference between them in their life time about theſe things, when they came both to their Martyrdom, he that had formerly been the Patron of this *Hierarchy* and *Ceremonies*, told his Brother, that therein his *Fooliſhneſs had contended with his Wiſdom*. As for that which is ſaid, that in other Reformed Churches where they have not Biſhops, yet they are deſired; I will not deny but ſome among them may deſire *Biſhopricks*, I mean the Dignities and Revenues of Biſhops; but that they deſire Biſhops, as thinking it the fitteſt and beſt Government of the Church, I cannot believe; for if they would have Biſhops, why do they not make themſelves *Biſhops?* I know not what hindreth, why they might not have Biſhops when they would. In the laſt place, for that which is alledged in relation to the Government of this Kingdom, that Biſhops are ſo neceſſary, as that the King cannot well let them go with the ſafety of *Monarchy*; and that if Biſhops be taken away, *Aſſemblies*, or ſomething muſt come in the room thereof; and if Kings ſhould be ſubject thereunto, and ſhould happen to be *Excommunicated* thereby, that afterwards they would be little eſteemed, or obeyed as Kings; for this, if it ſhall be cleared, as it is affirmed, or if any thing therein do ſtrike at Monarchy, I ſhall never give my Vote, nor conſent thereunto as long as I live. But to clear that this is not ſo, I offer to your conſideration, That by the Law of this Land not only all Eccleſiaſtical *Juriſdiction*, but alſo all Superiority, and Preheminence over the Eccleſiaſtical State, is annexed to the *Imperial Crown* of this Realm, and may be granted by Commiſſion under the Great Seal, to ſuch perſons as his Majeſty ſhall think meet: Now if the King ſhould grant it to a certain number of Commiſſioners, equal in Authority, as he may do, this were an *abolition of Epiſcopacy*, and yet no diminution of Monarchy. But the truth is, Epiſcopacy is a kind of *Monarchy under a Monarchy*, and is therein altogether unlike the Civil Government under his Majeſty. For the King being a common head over the Eccleſiaſtical State and the Civil, we ſhall find that in the exerciſe of Civil Juriſdiction, in all Courts under his Majeſty, it is *Ariſtocratical*, and placed in *many*, and not in *one*, as appeareth in this High Court of Parliament, in the Inferiour Courts of *Weſtminſter*-Hall, and in the Aſſizes and Seſſions in the Countrey, which are held by many Commiſſioners, and not only by one, or his Deputies, and Commiſſaries, as it is in the exerciſe of Eccleſiaſtical Government. As to the point of *Excommunication*, ſuppoſing that it did diſſolve Natural and Civil bonds of Duty, as it doth not, it might indeed be as terrible to Princes, as it is repreſented. But I reaſon thus; Either Princes are *ſubject to Excommunication*, or they are not; if they be not, then they need as little to fear a *Presbytery*, or an Aſſembly, as a *Biſhop* in that reſpect; if they be, they have as much to fear from *Biſhops*, at leaſtwiſe from Biſhops in their *Convocations*, as from Presbyters in their Aſſemblies; and ſo much the more, becauſe they have formerly felt the Thunderbolts of thoſe of that ſtamp, but never from this *latter* ſort.

And now, Sir, I proceed to repreſent unto you the evils and inconveniences that do proceed from the Government and *Ceremonies* of the Church; and truly in my opinion, the chief and principal cauſe of all the Evils which we have ſuffered ſince the Reformation in this Church and State, hath proceeded from that diviſion which ſo unhappily hath ſprung up amongſt us about Church-Government, and the Ceremonies of the Church; and from which part in that diviſion, I believe it will appear in the particulars: I know well there is a great diviſion, and that upon great matters between Us and the *Papiſts*; and I am not ignorant that there have been great and ſore breaches made upon our Civil Liberties, and the Right of our Proprieties.

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But yet ſtill I return to my former poſition, that the chief and moſt active cauſe hath proceeded from the Government and Ceremonies of the Church, and that thoſe other cauſes have either fallen into it, and ſo acted by it, or iſſued out of it, and ſo acted from it: As for Popery, I conceive that to have been a cauſe that hath fallen into this, and acted by it; for at the Reformation it received ſuch a deadly wound by ſo many ſharp Laws enacted againſt it, that had it not been enlivened by this diviſion amongſt us, it could never have had influence upon our Church and State to have troubled them, as this day we feel; but finding that in this diviſion amongſt us, one party had need of ſome of their principals to maintain their Hierarchy, together with their worldly Pomp and Ceremonies, which are appurtenances thereunto. From hence they firſt conceived a ground to hope, and afterwards found means of ſucceſs, towards the introducing again of their Superſtition and Idolatry into this Realm; and they wrought ſo diligently upon this Foundation, that they have advanced their Building very far, and how near they were to ſet up the Roof, I leave it to your conſideration. As for the evils which we have ſuffered in our Civil Liberties, and the right of our proprieties, I conceive they have proceeded out of this, and ſo acted from it: For if there had been no breaches of Parliaments, there would have been no need to have had recourſe unto thoſe broken Ciſterns that can hold no water: But there being a ſtoppage of Parliamentary ſupplies, that was an occaſion of letting in upon us, ſuch an Inundation of Monopolies, and other illegal Taxes, and Impoſitions, accompanied with many other heavy and ſore breaches of our Liberties. Now there need not to have been any breaches of Parliaments, had there not been ſomething diſliked in them; and what was that? It could not be any of theſe civil matters that bred the firſt difference, for they have proceeded out of it; therefore I conceive it was this; The Prelates with their Adherents (the Papiſts alſo concurring with them for their intereſt), did always look upon Parliaments with an evil eye; as no Friends to their Offices and Functions, at leaſtwiſe to their *Benefices*, and *Dignities*; and therefore, (ſome of them having always had the grace to be too near to Princes ears), they have always endeavoured to breed a diſaffection in Kings from Parliaments, as the *Preſs* and *Pulpit* do abundantly witneſs, and *Ballads* too, made by ſome of them upon the breaches of Parliaments. But we have a freſh and bleeding inſtance of this in the confirmation in His Majeſties Name, which they procured to be prefixed before their new Book of *Canons*, wherein they have endeavoured to make this impreſſion upon His Majeſties Royal mind, That the Authors and Fomenters of the jealouſies, in reſpect of the new Rites and Ceremonies lately introduced into the Church, which we call *Innovations*, did ſtrike at His Royal Perſon, as if he were perverted in his Religion, and did worſhip God in a ſuperſtitious way, and intended to bring in ſome Innovation in ſome matter of Religion. Now, Sir, who are the Authors of thoſe Jealouſies? Did they not come as complaints in the Petitions from the bodies of ſeveral Counties the laſt Parliament; and from more this preſent Parliament? and who were the Fomenters of thoſe Jealouſies? Did not the general ſenſe of the laſt Parliament concur in it, that they were *Innovations*, and that they were ſuſpicious, as introductory to Superſtition? Nay, I appeal to all thoſe that hear me, which are drawn from all parts of the Kingdom, whether this be not the general ſenſe of the greateſt, and moſt conſiderable part of the whole Kingdom. I beſeech you then to conſider, what kind Offices theſe men have done between the King and the Parliament; between the King and the Kingdom, I ſpeak of the greateſt and the moſt conſiderable part, as giving denomination to the whole: And now, Sir, as we have caſt our eye backwards, if we will look forwards, how do the Clouds thicken upon us, and what diſtractions, yea, what dangers do they threaten us withal, proceeding ſtill from the ſame root of Church-Government and Ceremonies? And truly as things now ſtand, I ſee but two ways, the one of Deſtruction, the other of Satisfaction; Deſtruction, I mean of the oppoſite party to the Biſhops and the Ceremonies, and reducing of all to *Canonical* Obedience, by fair means or by foul; This way hath been already tryed, and what effect it hath brought forth in our Neighbour Kingdom, we well know, and it is like to produce no very good effect in this Kingdom, if mens ſcruples and reaſons in that behalf ſhall be only anſwered with Priſons, and Pillories, and hard Cenſures, that I may ſpeak moſt ſoftly of them. I hold therefore, that the other way of ſatisfaction is the ſafeſt, the eaſieſt, and the only way: And that is to take into conſideration, The ſeveral heads of the Evils, which are cauſes of theſe Complaints; and to find out, and apply the proper Remedies thereunto. For the furtherance whereof, I ſhall

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make bold with your Patience, (which I am very unwilling to tire, but muſt tire my own Conſcience, if I ſhould not diſcharge it upon this occaſion) to repreſent a brief Model of the ſeveral heads and ſprings from whence the evils, which are cauſes of theſe Complaints, do naturally, or occaſionally ariſe; the evils complained of, do either ariſe from *Perſons*, or from *things*; thoſe faults that are perſonal are beſides the point that I intended to ſpeak to. There is one only remedy for them, that is, by puniſhment, and removal of ſuch Perſons, and the putting of better in their room; as for thoſe evils which proceed from *things*, they alſo are remedied by a removal of ſuch things as are evil, and the putting of better in their room; the evils, and ill conveniences of this kind do principally flow, either from the Clergies *Offices* and Functions, or from their *Benefices* and Dignities; thoſe that ariſe from their Offices and Functions, do ariſe naturally, either from the Laws and Conſtitutions whereby, and according to which they Exerciſe their Offices and Functions, or from the Government it ſelf, wherein they exerciſe thoſe Functions; the faults that I note in the Eccleſiaſtical Laws are, that they hold too much of Civil Law, and too much of the Ceremonial Law; of the *Civil Law*, in reſpect of all thoſe Titles, concerning *Wills*, and *Legacies*, *Tythes*, *Marriages*, *Adulteries*, *&c.* which all belonging to the Civil Juridiction, are no more of ſpiritual Conſideration, than Rapes, Thefts, Felonies, or Treaſons may be. Sir, it is good that every Bird ſhould have his own Feather; and I remember when one came to our Saviour Chriſt, to deſire him that he would cauſe his Brother to *divide the Inheritance with him*, he asked him, who made him *a Judg of ſuch things*? and may not we ask, who made them, that take themſelves to be Succeſſors of Chriſt and his Apoſtles, Judges of ſuch things? Many inconveniences ariſe from hence; Firſt, That the minds of the Clergy-men are inured unto Civil Dominion, and to meddle with Civil Maters. Secondly, the manner of their Proceedings is turned from a Spiritual way, into the faſhion of Proceſſes in temporal Courts. And Laſtly, which is worſt of all, By this means the ſpiritual Sword comes to be unſheathed about ſuch things as do not at all fall under the Stroak thereof. Many are excommunicated for *Pigs*, *Apples* and *Nuts*, and ſuch like things. But the other Fault which I noted in the Eccleſiaſtical Laws and Conſtitutions, pincheth us more, which is, that they hold too much of the Ceremonial Law.

And here, Mr. *Speaker*, give me leave to lament the Condition of this our Church of *England*, beyond that of all other Reformed Churches. A certain number of Ceremonies, in the judgment of ſome men *unlawful*, and to be rejected of all Churches in the judgment of all other Reformed Churches, and in the judgment of our own Church but *indifferent*, and yet what difference, yea what diſtraction have theſe *indifferent Ceremonies* raiſed amongſt us? what hath deprived us of ſo many *faithful*, *able* and *godly* Miniſters ſince the Reformation, as able, and as fit in all other reſpects to diſcharge that Function, as any Age ever produced in the Chriſtian World ſince the times of the Apoſtles; I ſay, what hath deprived us of them, but theſe *indifferent Ceremonies*? What hath deprived us of ſo many thouſand Chriſtians which deſired (and in all other reſpects deſerved) to hold Communion with us; I ſay, What hath deprived us of them, and ſcattered them into (I know not what) Places and Corners of the World, but theſe *indifferent Ceremonies*? What hath cauſed ſo many *hard Cenſures*, and *harder Executions*, but theſe *indifferent Ceremonies*? What hath occaſioned theſe Calamities and Dangers, which we feel, and which we fear, but thoſe *indifferent Ceremonies*? I ſhall ſay no more of them, but I pray God that now at length it may pleaſe his Majeſty with this his Great Council of Parliament, to take a view of them, and if there be a *neceſſity* to retain them, let them be retained; but if not, then let us remove them, before they ruine us.

As to the Evils and Inconveniences that ariſe out of the Government it ſelf, I ſhould have noted ſomething amiſs, as well in the *Legiſlative* part, as in the Executive part; but in the former I am prevented, by what hath been already voted concerning the Power of making Canons: Which Votes, if they be brought to perfection, they will ſet us right in great part, in that reſpect; For ſurely, before, the Power was neither in the hands of ſuch as were *Repreſentative* of that which is truly the *Church of England*, nor yet in the hands of thoſe that were truly Repreſentative of the *Clergy* of *England*, (if they were the *whole Church*, as indeed they are not.) As to the *Executive* part, which conſiſteth in the exerciſe of Eccleſiaſtical Juriſdiction, therein I note alſo two Diſorders, *Confuſion*, and *Corruption*; Confuſion of the Spiritual Sword with the Temporal; Lay-men ſtrike with the *Spiritual* Sword, and *Spiritual* men with the Temporal Sword; nay, out of the ſame Mouth, and at the

the ſame time proceedeth an *Excommunication*, and a *Fine*, or *Commitment*, or both: I will not ſay poſitively, that it is unlawful for Clergy-men to exerciſe *Civil Juriſdiction*, becauſe I know it is a queſtion; but yet ſuch a queſtion as hath been determined by divers Canons of *General Councels*, and by ſome that were made in *Synods* of the Church of *England*, that it is unlawful, and that upon grounds which are not contemptible. 16 Caroli

As *Firſt*; That it is contrary to the *Precept* and *Practice* of Chriſt, and his Apoſtles. And *Secondly*, That it is not poſſible for *one* man to diſcharge *two Functions*, whereof either is ſufficient to imploy the *whole* man; eſpecially that of the Miniſtry is ſo great, that they ought not to entangle themſelves with the Affairs of this World. A *Third* Ground not ſo well obſerved generally, as in one part thereof, is this, That Miniſters of the Goſpel, being ſent eſpecially to gain the Souls of Men, they are to gain as great an Intereſt as poſſibly may be, in their Minds and Affections. Now we know that the Nature of all men is ſuch, that they are apt to think hardly of thoſe that are any Authors of their pain and puniſhment, altho it be in a way of *Juſtice*; and therefore, as it is well known, that Clergy-men are not to be preſent *in Judicio ſanguinis*; ſo the ſame reaſon extends it ſelf to the Adminiſtration of all Civil Juriſdiction. And therefore we may obſerve, that our Saviour *Chriſt*, as he always rejected all Civil Judicature; ſo on the other hand, he went up and down *healing* mens Bodies, and otherwiſe doing *good* to their outward Eſtate, that his Doctrine might have a freer and fairer paſſage into their Souls. For the Corruption that I ſpoke of in the Exerciſe of Eccleſiaſtical Juriſdiction, I do not mean any Perſonal Corruption, but a Deviation, or Aberration from the preſcript of Divine Rule. And tho it be not eaſy to ſay what that is in all particulars, yet it is not hard to ſay, What it is not; And that I doubt may prove our Caſe in divers things. Eccleſiaſtical Juriſdiction, we know, extends either to the Clergy only, and conſiſteth in the *Ordination*, *Admiſſion*, *Suſpenſion*, and *Deprivation* of them; or elſe it extendeth to the *Whole Church*, and conſiſteth in *Excommunication* and *Abſolution*. As to the Ordination, Admiſſion, Suſpenſion, and Deprivation of Miniſters, we ſee how it is wholly at the Pleaſure of one man, and that of one man proceeding in a manner Arbitrarily; and that of one man, whoſe Intereſt is concerned in it, that the Door ſhall be ſhut againſt able and painful Preaching Miniſters, and a wide Door ſet open to ſuch as are unable, and unfit for that Function; many and great, and dangerous Evils ariſe from hence. As *Firſt*, That there is a conſtant hate and feud between the *Eccleſiaſtical State* and the *Civil*, between Prelates and Parliaments, between the *Canon-Law* and the *Common-Law*, between the Clergy and the Commonwealth, ariſing from the Diſproportion and Diſſimilitude which is between the Civil and Eccleſiaſtical Government; however it may ſeem to ſome to agree well enough; but the truth is, if we conſider His Majeſty as the Common Head over the Eccleſiaſtical State, as well as the Civil, we ſhall find that in the Exerciſe of all Civil Juriſdiction, in all Courts under His Majeſty, the Power is not in any one, or his Deputies and Commiſſaries, as it is in the Eccleſiaſtical Government, in the ſeveral Dioceſſes throughout this Kingdom. If we look firſt upon the Higheſt and Greateſt Court, the *High Court of Parliament*, we know that is a Council, and a great Council too. In like manner, in the inferior Courts at *Weſtminſter-Hall*, there are many Judges in the point of *Law*, and more in matter of *Fact*, wherein every Man is judged by Twelve of equal Condition unto him, (I mean the Juries) which are Judges of the Fact, both in Cauſes Civil and Criminal. And if we look into the Country, we ſhall find the Seſſions and Aſſizes, and other Courts, held not by any one, but by divers Commiſſioners. And in ſhort, in the Civil Government every man from the greateſt to the leaſt, hath ſome ſhare in the Government according to the Proportion of his Intereſt in the Commonwealth; but in the Government, of the Church, all is in the hands of one man, in the ſeveral Dioceſſes, or of his Chancellors or Commiſſaries, and he exacts *Canonical Obedience* to his Pontifical Commands, with a total Excluſion of thoſe that notwithſtanding have as much ſhare in the Church, and conſequently as much intereſt in the government of it, as they have in that of the Commonwealth. (Sir) *Until the Eccleſiaſtical Government be framed ſomething of another twiſt, and be more aſſimulated unto that of the Commonwealth, I fear the Eccleſiaſtical Government will be no good Neighbour unto the Civil, but will be ſtill caſting of its Leaven into it, to reduce that alſo to a Sole, Abſolute, and Arbitrary way of proceeding.* And herein (*Sir*) I do not believe that I utter *Propheſies*, but what we have already found and felt.

16 *Caroli.*

A *Second*, and a great Evil, and of a dangerous Conſequence, in this Sole and Arbitrary Power of Biſhops over their Clergy, is this, That they have by that means a Power to place and diſplace the whole Clergy of their Dioceſſes at their pleaſure; and this is ſuch a Power, as for my part, I had rather they had the like Power over the Eſtate and Perſons of all within their Dioceſs; for if I hold the one, but at the Will and Pleaſure of one man, (I mean the *Miniſtry*, under which I muſt live) I can have but little, or at leaſt no certain Joy or Comfort in the other. But this is not all; for if they have ſuch a Power to mould the *Clergy* of their Dioceſſes, according to their pleaſure, we know what an Influence they may have by them upon the *People*, and that in a ſhort time they may bring them to ſuch Blindneſs, and ſo mould them alſo to their own Wills, as that they may bring in *what Religion* they pleaſe; nay, having put *out our Eyes*, as the *Philiſtines* did *Sampſon*'s, they may afterwards make us *Grind*, and reduce us unto what Slavery they pleaſe, either unto themſelves, as formerly they have done; or unto others, as ſome of them lately have been forward enough to do. Now, whether it be ſafe to walk upon *Stilts* on the Top of the Pinacles of the Temple, upon ſo high Precipices as are the Matters of Religion and Conſcience, (which may have alſo a dangerous Influence upon our Civil Liberties) I leave it to your Conſideration. For my part I ſhould not think it ſafe, that ſuch a Power ſhould be in any *one* Man, tho you ſupopſe him to be a *very good Man.*

A *Third* Evil, and that of a dangerous Conſequence, is, That the Door is ſhut againſt able and painful Preaching Miniſters, and a wide Door ſet open to thoſe that are unable, and unfit for that Function, and the Biſhops Intereſt is concerned in it, that it ſhould be ſo; Intereſt of *Honour*, Intereſt of *Profit*, and Intereſt of *Power*, and Intereſt of *Credit*; for they ſee that thoſe painful Preachers carry away all the Credit from them, and they neither can nor will do the like themſelves; they *cannot*, by reaſon they are ſo intangled with the Affairs of this World, and Civil Juriſdiction; they *will not*, their great Dignities and Honours make them ſo ſtately, that they think it is not *Epiſcopal to Preach often*; and on the other ſide, they are ſo Fat, and live ſo much at their Eaſe, that through Idleneſs they cannot bring their minds unto it; and ſo firſt ariſeth *Envy* againſt thoſe that do take Pains, and thence after ſpringeth *Perſecution.* In the next place, their Intereſt is concerned in matter of *Profit.* For they ſuppoſe, that if the Credit of their *Diana* fall to the Ground, their Gain will after ceaſe, and that the People will think much, that ſome men ſhould take all the *Pains*, and others go away with all the *Profit.* Laſtly, Their Intereſt is concerned in it, in point of Power, for they find that neither ſuch Preaching Miniſters, nor their Auditors are ſo pliable to yield blind Canonical Obedience, as others are; and it concerns them in point of Power to ſtop their Mouths.

And now it muſt needs follow by the Rule of Contraries, That it muſt be for their Honour and Power to ſet open a Door to idle and unfit Miniſters; but there are two Particulars which I will note, wherein it concerns them in their Profits, to ſet the Door very wide open, where there is no Suſpicion of Refractorineſs. *Firſt*, We know Biſhops have ſeveral times Livings in *Commendum*, and *Pluralities*; but there is hardly any but they have *Impropriations*, whereof they are to ſee the *Cure* diſcharged; and therefore it is for their profit, that there may be good ſtore of *Cheap Curats*, which cannot be very fit and able men, and with ſuch ordinarily they furniſh the Cures of ſuch Places, whereof they have the *Impropriations.* *Sir*, In the next place we know that *Orders* are not *Given*, but in a manner *Sold*; for that not only the *Biſhop* and his *Regiſter*, but alſo his *Uſher*, his *Chamberlain*, his *Butler*, and *Porter*, and almoſt all his menial Servants muſt have their *Fees* before the poor Clerk with his Boxful of Orders, can paſs the Porters Lodge. I hear much of the Legal *Simony*, which conſiſteth in the Buying and Selling of *Benefices*; but whether this doth not approach nearer to the *Evangelical Simony*, which conſiſteth in the Buying and Selling of the Gift of the Holy Ghoſt, I offer it to your Conſideration. Now, *Sir*, for *Excommunication and Abſolution*, all ſeems to be out of Joynt; for Excommunication is neither in *Right hands*, nor exerciſed upon *Right Grounds* and Matters, nor in a *right form* and manner, nor to *right ends*, and then it is no marvel if it have not *right effects*: Sir, We know our Saviour hath lodged it in the Church, for ſo runs the Precept, *Die Eccleſiæ.* Now, Sir, That one man ſhould be a Church, ſounds ſtrangely in my ears. In the next place, I beſeech you, Sir, conſider about what their Spiritual Sword is exerciſed; about things no way lying under the ſtroak thereof, a man ſhall be excommunicated for a *Pig*, or for an *Apple*, and ſuch like things: I heard once a Gentleman of the *Civil Law* anſwer hereunto in this Houſe,

That

16 Caroli.

That Excommunication was not for the thing, but for the *Contempt*; and the leſs the thing was commanded, the greater was the Contempt: If this were ſo, ſure the greater is the Cruelty to lay a Command upon ſo ſmall a matter that draweth after it ſo deep a *Cenſure* as to caſt a man down into Hell. Suppoſe a Magiſtrate ſhould command ſome trivial matter, ſome Ceremony or other, under pain of Treaſon, and ſhould proceed againſt the Infringers of his Command as Traytors, it were much to be doubted, Whether the Command did not partake more of Cruelty, than the diſobedience of Contempt; for when Authority ſhall ſo far loſe it ſelf, as to lay ſo great a weight upon ſo ſmall a matter, it rendreth it ſelf contemptible, and then it is no marvel, (I had almoſt ſaid it is no fault) if it be contemned, having made it ſelf contemptible. Then, Sir, for the *Form* of proceeding, it is no whit ſpiritual; there is no faſting and prayer, no ſeeking to reclaim the Sinner; but rather it is after the faſhion of a ſummary Proceſs in a Civil Court; Nay, Sir, it is accompanied ſometimes with an Intimation, that no man ſhall *buy or ſell* with the Perſon excommunicated, nor ſet him on work, nor do any civil or natural Offices unto him; as we had a Complaint brought in this Parliament of *a Son that was excommunicated only for repeating a Sermon to his Father, being an excommunicated Perſon.* Now, Sir, for the ends for which this Cenſure is executed, they are ordinarily to fetch in *Fees*, or at beſt to bring men under Canonical Obedience, which is the Ordinary's will and pleaſure: And I have ſometime ſeen a Miniſter pronounce *Excommunication*, which he held in one hand, and preſently after, the *Abſolution*, which he held in the other; ſo the end of the Excommunication was the *Abſolution*, and the end of that, was *Fees*. Sir, For the *honour of God*, for the honour of our *National Church*, and for the honour of the *Chriſtian Religion*, let the high and great Cenſure of the Church no longer lacquy after Fees; let not Chriſtians any longer be caſt to Satan in the Name of Jeſus Chriſt, for the non-payment of a Groat.

And now, Sir, we may imagine what *Effects* are like to follow upon ſuch Premiſſes, the great and dreadful Cenſure of *Excommunication* is thereby made contemptible; and were it not for the Civil Reſtraints, and Penalties that follow upon it, no man would purchaſe an *Abſolution*, tho he might have it for a *Halfpenny*; and I have heard of ſome that have thanked the Ordinaries for abating or remitting the Fees of the Courts; but I never heard of any that thanked them for reclaiming their Souls to repentance by their Excommunications. As for *Abſolution*, it is a relative to Excommunication, and ſo labours of the ſame Diſeaſe; only one thing I ſhall particularly note, concerning Abſolution; Sir, it is called, *Commutation of Penance*, but indeed it is a deſtruction of the Ordinance, making it void, and of none effect; and ſurely God never ſet his Miniſters to ſell *Indulgences* in his Church; the Oath that is to precede Abſolution, *de parendo Juri Eccleſiæ & Stando, &c.* hath already been ſufficiently ſpoken unto in the debate about the *Canons*, and therefore there will be no need of ſpeaking more to that.

But I may now proceed to my laſt Head, wherein I ſhall be very brief, and that is concerning the Evils that ariſe out of the *Benefices* and *Dignities* of the Clergy, the common Cauſe being from the inequality of the diſtribution of them; much reſembling a Diſeaſe very ordinary at this time amongſt Children, which they call the *Rickets*, wherein the Nouriſhment goes all to the *upper Parts*, which are *over great* and monſtrous, and the lower Parts pine away; and ſo it is in the *Clergy*; ſome are ſo *poor*, that they cannot attend their Miniſtry, but are fain to keep *Schools*, nay *Alehouſes*, ſome of them; and ſome are ſo *ſtately*, they will not attend to their Miniſtry; and ſo between them, the Flock is *ſtarved:* But our Evils have more eſpecially proceeded from the exceſſive worldly Wealth and Dignities of one part of the Clergy, I mean ſuch as either are in poſſeſſion, or in hopes of *Biſhopricks*; for theſe great Places of Profit and Honour, firſt, have been the *Baits of Ambition*, and then they became the *Apples of Contention*, and laſt of all the *Seeds of Superſtition*; the one being a ſtep and degree unto the other, and all of them leading in the end to the Corruption, that I may not ſay Subverſion, of our Religion. Sir, They are firſt the Baits of Ambition; and I know not by what ſecret Cauſe, but *Experience ſheweth us, that when Clergy-men have once taſted the ſweet of worldly Wealth and Honour, they are more eager and ambitious after them, than any other ſort of men*; hereupon other godly Miniſters, that live more according to the ſimplicity of the Goſpel, and the Example of Chriſt, and his Apoſtles, cannot but bear witneſs againſt their worldly Pomp and Dignities, and ſo the fire of Contention breaketh forth. And truly, Sir, the ſtate of the Clergy is very like to *Fire*, which whilſt it keeps in the Chimney, it is of excellent uſe to warm thoſe that approach unto it; but if it once break out into the Houſe, and get upon

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the Houſe-top, it ſets all on fire; ſo whilſt the Clergy keep themſelves within the *Pulpit*, they are of great uſe to ſtir up the Zeal and Devotion of Chriſtians; but if they once fly out into the Houſe, if they begin to meddle with Civil Places and Juriſdictions, and eſpecially, if they once get up to the *Council-Table*, it is ſeldom ſeen but that at length they ſet all on fire; and what is it that maketh the fire to [illegible] the Chimney, but *too much fuel?* if there be but a moderate proportion [illegible] fire keeps it ſelf within its bounds; but if you heap Faggot upon [illegible] Cart-load together, then it breaketh out: So, Sir, if there be a *competency* [illegible] for the Miniſtry, they will keep themſelves within their bounds; but if [illegible] heaped upon Living, and Temporalities added to Spiritualites, the flame will ſoon break out, and ſet the Houſe on fire. Sir, I do not envy the Wealth or Greatneſs of the Clergy; but I am very confident, *if thoſe were leſs, they would be better*, and do more ſervice to Chriſt and his Church; and I am very clear in mine own heart, that the Livings of the Clergy being more equally diſtributed, the Service of God would be ſo far from receiving any prejudice, that it would be much advanced; and withal, a good proportion of Revenue might return again to the Crown, from whence it was firſt derived. Sir, Biſhopricks, Deanries and Chapters, are like to great Waſters in a Wood, they make no profit themſelves, they cumber the Ground whereon they ſtand, and with their great Arms and Boughs ſtretched forth on every ſide, partly by their *ſhade*, and partly by their ſower *droppings*, they hinder all the young Wood under them from growing and thriving. To ſpeak plain Engliſh, Theſe Biſhops, Deans and Chapters, do little good themſelves by Preaching, or otherwiſe; and if they were felled, a great deal of good Timber might be cut out of them for the uſe of the Church and Kingdom at this time. A freſh ſupply of three or four able Miniſters might ſpring up in their ſtead to very good purpoſe in thoſe great Towns, which are ordinarily the Seats of thoſe Epiſcopal and Collegiate Churches, and the Private Congregations of divers Parochial Churches might thrive and grow better, which now have the Sun of God's Word, I mean the clear and ſpiritual preaching thereof, kept from them, and live in the dangerous ſhade of Ignorance, by reaſon that all the means is taken from them, and *appropriated* unto Biſhops, or to Deanries and Chapters, and other ſuch Collegiate Churches, beſides ſuch as do begin to grow and ſtart up through the voluntary pains of ſome amongſt them, or by ſuch preaching as they themſelves have procured by their voluntary Contributions, ſhould not ſtill be dropped on as they are, from the Arms and Appendances of thoſe Great Waſters, and kept down continually by their bitter Perſecutions. That which remains now, is to ſhew how theſe great Revenues and Dignities become the *Seeds of Superſtition*, and that is this: The Clergy in the maintenance of their Greatneſs, which they are neither willing to *forgo*, nor yet well able to *maintain* upon the Principles of the Reformed Religion, finding that the Popiſh Principles, whereon the Biſhop of *Rome* built his Greatneſs, does ſuit well with their Ends, that maketh them to ſide with that Party, and that muſt needs bring in *Superſtition*: And as Ambition allureth on the one ſide, ſo the Principles they go by, draw them on farther and farther, and happily at length farther than they themſelves at firſt intended.

Whether a *Reconciliation* with *Rome* were imagined or no by ſome, I leave it to every one to judge within himſelf: But ſure I am, If an Accommodation could have been made in ſome faſhion or other with the Church of *Rome*, the Clergy might again be capable of Foreign Preferments, and *Cardinals Caps*, and this is no ſmall Temptation. Now, Sir, I am at an end, only I ſhall draw out three Concluſions, which I conceive may clearly be collected out of what I have ſaid. Firſt, That *Civil Juriſdiction in the perſons of Clergy-men, together with their great Revenues, and high places of Dignity, is one great cauſe of the Evils which we ſuffer in matter of Religion.* Secondly, That *the ſole and arbitrary Power of Biſhops in the Ordaining and Depriving of Miniſters, and in Excommunication and Abſolution, is another great cauſe of the Evils we ſuffer in matters of Religion.* Thirdly, *The firſt urging of Subſcription, and Conformity to the Ceremonies and Canons of the Church, is another great cauſe of Evil which we ſuffer in matters of Religion.*

And now my humble motion is, That we ſhould not take a piece only of this Subject into our conſideration, but the whole matter; and that not only that part of the Miniſter's Remonſtrance, which hath been read, ſhould be referred to the Committee which you are about to name; but *London's Petition* alſo, and all other Petitions of the like nature, ſo ſoon as they ſhall be read in the Houſe; and that the Committee may collect out of them all ſuch Heads as are fit for the conſideration of this Houſe; and ſurely that is fit to be *conſidered*, that happily will not be thought fit to be *altered*; Conſideration is one thing, and Alteration is another; where there is a

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mixture of bad and good together, the whole muſt be conſidered, that we may know how to ſever the good from the bad, and to retain the one, and reject the other, which is all that I deſire. And if any thing hath fallen from me more inconſiderate (as in ſo long a Diſcourſe many things may have done) I humbly crave the pardon of the Houſe; proteſting that I have ſpoken nothing, but with a mind which is ready to ſacrifice the Body it dwelleth in, to the peace and ſafety of His Majeſty's Kingdoms, and the ſafety and honour of his Majeſty in the Government of them. *Caroli* 16.

About the ſame time, and upon the ſame occaſion, Sir Benjamin Rudyard *delivered himſelf as followeth.*

Mr. *Speaker*,

I Do verily believe, that there are many of the Clergy in our Church, who do think the ſimplicity of the Goſpel too mean a Vocation for them to ſerve in: They muſt have a *ſpecious*, *pompous*, *ſumptuous Religion*, with Additionals of Temporal Greatneſs, Authority, Negotiation: Notwithſtanding they all know better than I, what Fathers, Schoolmen, Councils, are againſt their mixing themſelves in Secular affairs. Sir *Benjamin Rudyard's* Speech.

This *Roman Ambition* will at length bring in the *Roman Religion*, and at laſt a haughty inſolence even againſt Supreme Power it ſelf, if it be not timely and wiſely prevented.

They have amongſt them an *Apothegm* of their own making, which is, *No Miter, no Scepter*; when we know by dear Experience, that if the *Miter* be once in danger, they care not to throw the *Scepter* after it, to confound the whole Kingdom for their Intereſt.

And Hiſtories will tell us, that whenſoever the Clergy went high, *Monarchy* ſtill went lower: If they could not make the *Monarch the Head of their own Faction*, they would be ſure to make him leſs: Witneſs one example for all, *The Pope's working the Emperour out of* Italy.

Some of ours, as ſoon as they are Biſhops, *Adepto fine, ceſſant motus*, they will *Preach no* longer, their Office then is *to Govern*. But in my opinion they Govern worſe than they Preach, though they Preach not at all; for we ſee to what paſs their Government hath brought us.

Mr. *Speaker*, It now behoves us to reſtrain the Biſhops to the Duties of their Function, as they may never more *hanker* after *Heterogeneous Extravagant Employments*: Not to be ſo Abſolute, ſo ſingle and ſolitary in actions of moment, as Excommunication, Abſolution, Ordination and the like, but to joyn ſome of the Miniſtry with them, and further to Regulate according to the uſage of Ancient Churches, in the beſt times, that by a well-temper'd Government, they may not have power hereafter to corrupt the Church, to undo the Kingdom.

When they are thus Circumſcribed, and the publick ſecur'd from their Corruptions, then ſhall I not grudge them a Liberal plentiful ſubſiſtence, elſe I am ſure they can never be *given to Hoſpitality*.

Although the Calling of the Clergy be all glorious within, yet if they have not a large, conſiderable outward ſupport, they cannot be freed from vulgar contempt.

It will always be fit, that the flouriſhing of the Church ſhould hold proportion with the flouriſhing of the Commonwealth, wherein it is. If we dwell in Houſes of Cedar, why ſhould they dwell in Skins? And I hope, I ſhall never ſee a Good Biſhop left worſe than a Parſon without a Gleab.

Certainly, *Sir*, this Superintendency of Eminent men Biſhops over divers Churches, is the moſt Primitive, the moſt ſpreading, the moſt laſting Government of the Church. Wherefore whilſt we are earneſt to take away Innovations, let us beware we bring not in the greateſt Innovation that ever was in *England*.

I do very well know, what very many do very fervently deſire. But let us well bethink our ſelves, Whether a Popular Democratical Government of the Church (though fit for other places) will be either ſuitable or acceptable to a Regal Monarchical Government of the State.

Every Man can ſay, (it is ſo common and known a Truth) That ſudden and great Changes both in Natural and Politick Bodies, have dangerous Operations. And give me leave to ſay, that we cannot preſently ſee to the end of ſuch a conſequence, eſpecially in ſo great a Kingdom as this, and where it is ſo wrap'd and involv'd in the Laws of it.

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An. 1640.

Wherefore, Mr. *Speaker*, my humble motion is, That we may puniſh the preſent Offenders, reduce and preſerve the Calling for better men hereafter. Let us remember with freſh thankfulneſs to God, thoſe *Glorious Martyr-Biſhops*, who were burned for our Religion in the times of Popery, who by their Zeal and Conſtancy upheld and conveyed it down to us.

We have *ſome good Biſhops ſtill*, who do Preach every Lords-day, and are therefore worthy of Double Honour; they have ſuffered enough already in the Dark, I ſhall be ſorry we ſhould make them ſuffer more in the Remedy.

Lord *Faulkland's* SPEECH.

Mr. *Speaker*,

The Lord *Faulkland's* Speech. *Febr.* 9. 1640.

HE is a great Stranger in *Iſrael*, who knows not this Kingdom hath long laboured under many and great oppreſſions, both in *Religion* and *Liberty*; and his acquaintance here is not great, or his Ingenuity leſs, who doth not both know and acknowledg that a great, if not a principal cauſe of both theſe have been ſome *Biſhops* and their Adherents.

Mr. *Speaker*, A little ſearch will ſerve to find *them* to have been the deſtruction of Unity, under pretence of *Uniformity*; to have brought in *Superſtition* and *Scandal*, under the Titles of *Reverence* and *Decency*; to have defiled our *Church* by adorning our *Churches*; to have ſlackned the ſtrictneſs of that Union which was formerly between us, and thoſe of our Religion, beyond the Sea; an Action as unpolitick as ungodly.

Mr. *Speaker*, We ſhall find them to have tythed Mint and Aniſe, and have left undone the weightier Works of the Law; to have been leſs eager upon thoſe who *damn* our Church, than upon thoſe, who, upon *weak* Conſcience, and perhaps as *weak Reaſons* (the diſlike of ſome commanded Garment, or ſome uncommanded Poſture) only *abſtained* from it. Nay, it hath been more dangerous for men to go to ſome Neighbour's Pariſh, when they had no Sermon in their own, than to be obſtinate and perpetual *Recuſants*; while *Maſſes* have been ſaid in ſecurity, a *Conventicle* hath been a Crime; and which is yet more, the conforming to Ceremonies hath been more exacted, than the conforming to Chriſtianity; and whilſt men for *Scruples* have been undone; for attempts upon *Sodomy*, they have only been admoniſhed.

Mr. *Speaker*, We ſhall find them to have been like the Hen in *Æſop*, which laying every day an Egg upon ſuch a proportion of Barley, her Miſtreſs increaſing her proportion in hopes ſhe would increaſe her Eggs, ſhe grew ſo fat upon that addition, that ſhe never laid more: ſo tho at firſt their *Preaching* were the occaſion of their *Preferment*, they after made their Preferment the occaſion of their not preaching.

Mr. *Speaker*, We ſhall find them to have reſembled another Fable, *The Dog in the Manger*; to have neither preached themſelves, nor imployed thoſe that ſhould, nor ſuffered thoſe that would: to have brought in Catechiſing only to thruſt out Preaching; cried down *Lectures* by the name of Factious, either becauſe other mens induſtry in that Duty appeared a reproof to their neglect of it, (not unlike to that we read of him, who in *Nero*'s time, and *Tacitus*'s Hiſtory, was accuſed, becauſe by his vertue he did appear *Exprobare vitia Principis*) or with intention to have brought in darkneſs, that they may the eaſier ſow their *Tares*, while it was night; And by that introduction of Ignorance, introduce the better that Religion which accounts it the *Mother of Devotion*.

Mr. *Speaker*, In this they have abuſed his Majeſty, as well as the People; for when they had with great wiſdom (ſince uſually the Children of Darkneſs are wiſer in their Generation than the Children of Light; I may gueſs not without ſome eye upon the moſt Politick Action of the moſt Politick Church) ſilenced on both parts thoſe Opinions which have often tormented the Church, and have, and will always trouble the *Schools*; they made uſe of this Declaration to tye up *one* ſide, and let the other *looſe*; whereas they ought either in diſcretion to have been equally reſtrained, or in juſtice to have been equally tolerated. And it is obſervable, That that Party to which they gave this licenſe, was that whoſe Doctrine, tho it were not contrary to *Law*, was contrary to *Cuſtome*, and for a long while in this Kingdom was no oftner preached than *recanted*.

The truth is, Mr. *Speaker*, That as ſome ill Miniſters in our State firſt took away our *Money* from us, and after endeavoured to make our Money not worth the taking, by turning it into *Braſs* by a kind of Anti-philoſoper's-Stone: ſo theſe men uſed us in the point of Preaching; firſt depreſſing it to their power, and next labouring to

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make it ſuch, as the harm had not been much if it had been depreſſed: The moſt frequent Subjects even in the moſt ſacred Auditories, being the *Jus divinum of Biſhops*, and *Tythes*, the ſacredneſs of the *Clergy*, the ſacriledge of *Impropriations*, the demoliſhing of *Puritaniſm* and Propriety, the building of the Prerogative at *Pauls*, the introduction of ſuch Doctrines, as, admitting them true, the Truth would not recompence the Scandal; or ſuch as were ſo far falſe, that, as Sir *Thomas Moore* ſays of the *Caſuiſts*, their buſineſs was not to keep men from ſinning, but to confirm them; *Quam prope ad peccatum ſine peccato liceat accedere:* ſo it ſeemed their work was to try how much of *a Papiſt* might be brought in without *Popery*; and to deſtroy as much as they could of the *Goſpel*, without bringing themſelves into danger of being deſtroyed by the *Law*. *An.* 1640.

Mr. *Speaker*, To go yet further, Some of them have ſo induſtriouſly laboured to deduce themſelves from *Rome*, that they have given great ſuſpicion that in gratitude they deſire to *return* thither, or at leaſt to meet it half way: Some have evidently laboured to bring in an *Engliſh*, tho not a *Roman Popery*: I mean not only the *outſide*, and *dreſs* of it, but equally abſolute, a blind dependence of the People upon the Clergy, and of the Clergy upon themſelves; and have oppoſed the Papacy beyond the *Seas*, that they might ſettle *one beyond the water*; Nay, common Fame is more than ordinarily falſe, if none of them have found a way to reconcile the Opinions of *Rome* to the Preferments of *England*; and to be ſo abſolutely, directly and cordially *Papiſts*, that it is all that Fifteen hundred pounds a year can do to keep them from confeſſing it.

Mr. *Speaker*, I come now to ſpeak of our Liberties; and conſidering the great intereſt theſe men have had in our common Maſter, and conſidering how great a good to us they might have made that intereſt in him, if they would have uſed it to have informed him of our general Sufferings; and conſidering how a little of their freedom of ſpeech at *White-Hall*, might have ſaved us a great deal of the uſe we have now of it in the *Parliament Houſe*; their not doing this alone, were occaſion enough for us to accuſe them as the *Betrayers*, tho not as the *Deſtroyers* of our Rights and Liberties; tho I confeſs, if they had been only *ſilent* in this particular, I had been ſilent too. But alas! *They whoſe Anceſtors in the darkeſt times excommunicated the breakers of* Magna Charta, *did now by themſelves, and their Adherents, both write, preach, plot, and act againſt it*; by encouraging Dr. *Beale*, by preferring Dr. *Manwaring*, appearing forward for *Monopolies* and *Ship-money*: And if any were ſlow and backward to comply, blaſting both them and their Preferment, with the utmoſt expreſſion of their hatred, the title of *Puritans*.

Mr. *Speaker*, We ſhall find ſome of them to have laboured to exclude, both *all Perſons*, and *all Cauſes* of the Clergy, from the ordinary Juriſdiction of the *Temporal Magiſtrate*; and by hindring *Prohibitions* (firſt, by apparent Power againſt the Judges, and after by ſecret Arguments with them) to have taken away the only legal bound to their Arbitrary Power, and made as it were a conqueſt upon the *Common-Law* of the Land, which is our common Inheritance; and after made uſe of that Power to turn their Brethren out of their *Freeholds*, for not doing that which *no Law of man* required of them to do; and which (in their Opinions) the *Law of God* required of them not to do. We ſhall find them in general to have encouraged all the Clergy to Suits, and to have brought all Suits to the *Council-Table*; that having all Power in Eccleſiaſtical Matters, they laboured for equal Power in Temporal; and to diſpoſe as well of every *Office*, as of every *Benefice*, which loſt the Clergy much time, and much *Reverence*, (whereof the laſt is never given when it is ſo asked) by encouragng them indiſcreetly to exact more of both than was due; ſo that indeed the *gain* of their greatneſs extended but to a few of that Order, tho the *envy* extended upon all.

We ſhall find of them to have both kindled and blown the common Fire of both Nations, to have both ſent and maintained *that Book*, of which the Author no doubt hath long ſince wiſhed with *Nero*, *utinam neſciſſem literas*; and of which more than one Kingdom hath cauſe to wiſh, that when he writ that, he had rather *burned a Library, though of the value of* Ptolemy's. We ſhall find them to have been the firſt and principal cauſe of the *breach*, I will not ſay of, but ſince the *pacification* at *Berwick*; we ſhall find them to have been the almoſt ſole Abettors of my Lord *Strafford*, whilſt he was practiſing upon another Kingdom, that manner of Government which he intended to ſettle in *this*, where he committed ſo many mighty, and ſo *manifeſt* Enormities and Oppreſſions, as the like have not been committed by any Governour in any Government *ſince* Verres *left* Sicily; And after they had called him over from being Deputy of *Ireland*, to be in a manner Deputy of *England*, (all things here being governed by a *Junctillo*, and that *Junctillo* governed by him) to have aſſiſted him in the giving ſuch Councels,

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An. 1640. and the purſuing of ſuch Courſes, as it is a hard and meaſuring caſt, Whether they were more *unwiſe*, more *unjuſt*, or more *unfortunate*, and which had infallibly been our deſtruction, if by the Grace of God their ſhare had not been as ſure from the Subtilty of *Serpents*, as in the Innocency of *Doves*.

Mr. *Speaker*, I have repreſented no ſmall quantity, and no mean degree [illegible] and truly I believe that we ſhall make no little Complement to tho[illegible] tle Apology for thoſe to whom this Charge belongs, if we ſhall [illegible] theſe men upon the *Order of the Biſhops*, upon the *Epiſcopacy*. I wiſh we [illegible] guiſh between thoſe who have been carried away with the *ſtream*, and those who have been the *ſtream* that carried them; between thoſe whoſe proper and natural motion was towards our Ruine and Deſtruction: and thoſe who have been *whirl'd* about to it, contrary to their natural motion, by the force and ſwinge of *ſuperior Orbs*; and as I wiſh we may diſtinguiſh between the more and leſs Guilty, ſo I yet more wiſh we may diſtinguiſh between the *Guilty* and the *Innocent*.

Mr. *Speaker*, I doubt, if we conſider, that if not the firſt *Planters*, yet the firſt *Spreaders* of Chriſtianity, and the firſt and chief Defenders of Chriſtianity againſt Hereſie within, and Paganiſm without, not only with their *Ink*, but with their *Blood*, and the main Conducers to the reſurrection of Chriſtianity at leaſt here in the Reformation; and that we owe the Light of the Goſpel we now enjoy, to the Fire they endured for it, were all Biſhops; and that even now in the greateſt detection of that *Order*, there are yet ſome who have conduced in nothing to our late Innovations, but in their *ſilence*; ſome who in an unexpected and mighty Place and Power have expreſſed an equal moderation and humility, being neither ambitious before, nor proud after, either of the *Croſiers ſtaff*, or *White Staff*; ſome who have been Learned Oppoſers of Popery, and Zealous *Suppreſſors of Arminianiſm*, between whom and their Inferior Clergy, in frequency of Preaching, hath been no diſtinction; whoſe Lives are untouch'd, not only by *guilt*, but by *malice*, ſcarce to be equalled by thoſe of any Condition, or to be excelled by thoſe in any *Calender*; I doubt not, I ſay, but if we conſider this, this Conſideration will bring forth this Concluſion, That *Biſhops may be good men*; and let us give but good men good Rules, we ſhall have both good Governors, and good Times.

Mr. *Speaker*, I am content to take away all thoſe things from them, which to any conſiderable degree of probability, may again beget the like miſchiefs, if they be not taken away. If their Temporal Title, Power and Employment, appear likely to diſtract them from the care of, or make them look down with contempt upon their Spiritual Duty, and that the too great diſtance between them, and thoſe they govern, will hinder the free and fit recourſe of their Inferiors to them, and occaſion inſolence from them to their Inferiors; let that be conſidered, and cared for, I am ſure neither their *Lordſhips*, their judging of *Tythes*, *Wills* and *Marriages*, no nor their *Voices in Parliaments*, are *Jure divino*; and I am ſure that theſe Titles, and this Power are not neceſſary to their Authority, as appears by the little they have had with us by them, and the much that others have had without them.

If their Revenue ſhall appear likely to produce the ſame effects, for it hath been anciently obſerved, that *Religio peperet divitias & filia devoravit matrem*; let ſo much of that as was in all probability intended for an attendant upon their Temporal Dignities, wait upon them out of the doors: Let us only take care to leave them *ſuch proportions* as may ſerve in ſome good degree to the dignity of *Learning*, and the encouragement of *Students*; and let us not invert that of *Jeroboam*, and as he made the *meaneſt* of the people *Prieſts*, make the higheſt of the Prieſts the *meaneſt* of the People. If it be feared that they will again employ ſome of our Laws with a ſeverity beyond the intention of thoſe Laws againſt ſome of their weaker Brethren; that we may be ſure to take away that Power, let us take away thoſe Laws, and let no *Ceremonies* which any number counts *unlawful*, and no man counts *neceſſary*, againſt the Rules of Policy, and Saint *Paul*, be impoſed upon them. Let us conſider, That part of the Rule they have hitherto gone by, that is, ſuch *Canons* of their own making, as are not confirmed by Parliament; have been, or, no doubt, ſhortly will be by Parliament taken away. That the other part of the Rule (ſuch Canons as were here received before the Reformation, and not contrary to Law) is *too doubtful* to be a fit Rule, exacting an exact knowledge of the *Canon Law*, of the *Common Law*, of the *Statute Law*; knowledges, which thoſe who are thus to govern have not, and it is ſcarce fit they ſhould have. Since therefore we are to make *new Rules*, and ſhall, no doubt, make thoſe new Rules ſtrict Rules, and be infallibly certain of a Triennial Parliament, to ſee thoſe Rules obſerved as ſtrictly as they are made, and to increaſe

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16 *Caroli.*

or change them upon all Occaſions, we ſhall have no reaſon to fear any innovation from their Tyranny, or to doubt any defect in the diſcharge of their Duty. I am as confident they will not dare, either ordain, ſuſpend, ſilence, excommunicate or deprive, otherwiſe than we would have them; and if this be believed, we ſhall not think it fit to aboliſh, upon a few days debate, an Order which hath laſted (as appears by Story) in moſt Churches theſe Sixteen hundred years, and in all from Chriſt to *Calixtus* or in an inſtant change the whole face of the Church like the Scene of a Mask.

Mr. *Speaker*, I do not believe them to be *Jure divino*, nay I believe them not to be *Jure Divino*; but neither do I believe them to be *Injuriâ humanâ*; I neither conſider them as neceſſary, nor as unlawful, but as *convenient* or inconvenient: But ſince all great Mutations in Government are dangerous (even where what is introduced by that Mutation, is ſuch as would have been profitable upon a primary Foundation); and ſince the greateſt danger of Mutations is, that all the Dangers and Inconveniencies they may bring, are not to be foreſeen; and ſince no wiſe man will undergo great danger but for great neceſſity, my Opinion is, That we ſhould not root up this Ancient Tree, as *dead* as it appears, till we have tried whether by this, or the like *lopping* of the Branches, the *Sap* which was unable to feed the whole, may not ſerve to make what is left both grow and flouriſh. And certainly if we may at once take away both the *Inconveniencies* of Biſhops, and the Inconveniencies of *no Biſhops*, that is of an almoſt univerſal Mutation; this Courſe can only be oppoſed by thoſe who love Mutation for Mutation ſake.

Mr. *Speaker*, To be ſhort, (as I have reaſon to be, after having been ſo long) this trial may be ſuddenly made; Let us commit as much of the Miniſters Remonſtrance as we have read, that thoſe Heads both of Abuſes and Grievances which are there fully collected, may be marſhall'd and ordered for our Debate; if upon the Debate it ſhall appear, that thoſe may be taken away, and yet the *Order* ſtand, we ſhall not need to commit the *London Petition* at all, for the Cauſe of it will be ended; if it ſhall appear that the abolition of the one cannot be but by the deſtruction of the other, then let us not commit the *London Petition*, but let us grant it.

Mr. *Speaker*,

Mr. *Bagſhaw's* Speech concerning Epiſcopacy and the *London* Petition, *Feb.* 9. 1640.

I Was yeſterday, and the time before, for the retaining of the *London* Petition, and I am in the ſame mind ſtill; and therefore do now riſe up againſt the propoſal of that Queſtion, which is now called for; *Whether Epiſcopacy it ſelf be to be taken into conſideration by the Committee?* Wherein I do diſtinguiſh of a two-fold Epiſcopacy; The firſt, *in ſtatu puro*, as it was in the Primitive Times; the ſecond in *ſtatu corrupto*, as it is at this day; and is ſo intended and meant in the *London* Petition: Now I hold, That *Epiſcopacy* in this latter ſenſe, is to be taken into conſideration as a thing that trencheth not only upon the Right and Liberties of the Subject, of which I ſhall have occaſion to ſpeak hereafter: But as it is now, it trencheth upon the Crown of *England* in theſe four Particulars, wherein I know this Houſe will willingly hear me.

Firſt, It is maintained by the Biſhop of *Exeter* in a Book which he hath writ to this purpoſe; That *Epiſcopacy* it ſelf, both in the *Office*, and in the *Juriſdiction*, is *de Jure Divino, of Divine Right*; which Poſition is directly contrary to the Laws of *England*, in which I will cite but two or three inſtead of many more; the Staute of *Carliſle*, 35 *E.* 1. (mentioned in *Cawdry's* Caſe in the 5th Report) ſaith, That the Church of *England* is founded in the *State of Prelacy by the Kings of* England, and their Progenitors; which alſo appears in the Firſt Chapter of *Magna Charta*, in theſe words; *Conceſſimus Deo & Eccleſiæ* Anglicanæ *omnes Libertates, &c.* and in 25 *E.* 3. in the *French* Roll, which I have ſeen, there the Archbiſhop and Clergy petition the King for their Liberties, in theſe words, thus Engliſhed; *That for the Reverence of God, and holy Church, and of his grace and bounty, he will confirm all thoſe Liberties, Privileges and Rights, granted, and given by him, and his noble Progenitors, to the Church by their Charters*; which plainly ſheweth, That they have their *Epiſcopal Juriſdiction* from the Kings of *England*, and not *Jure Divino, by Divine Right*; and this likewiſe is acknowledged by themſelves in the Statute 37 *H.* 8. *cap.* 17. That they have their Epiſcopal Juriſdiction, and all other Eccleſiaſtical Juriſdiction whatſoever, *ſolely*, and only by, from, and under the King.

The *ſecond* thing that entrencheth upon the Crown, is this; That it is holden at this day, that *Epiſcopacy is inſeparable to the Crown of* England; and therefore it is commonly now ſaid, *No Biſhop, no King*; No Mitre, no Scepter: which I utterly deny; for it is plain, and apparent, that the Kings of *England* were long before Biſhops, and have a ſubſiſtence without them; and have done, and may ſtill depoſe them.

The *third* is likewiſe conſiderable, as trenching upon the Crown, which is what was ſaid under the Gallery, That Epiſcopacy was *a Third Eſtate* in Parliament, and there-

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fore the King and Parliament could not be without them; this I utterly deny, for there are Three Eſtates without them; as namely *the King*, who is the First Eſtate; *The Lords Temporal*, the Second; and the *Commons*, the Third; and I know no Fourth Eſtate: Beſides, The Kings of *England* have held many Parliaments, wherein there have been no Biſhops at all: As for Example; *E.* 1. the 24th of his Reign [illegible] Parliament at *Edmundsbury*, *Excluſo Clero*; and in the Parliament of [illegible] and 7 *R.* 2. *cap.* 12. It doth appear, that they were enacted by the [illegible] Aſſent and Agreement of the Lords Temporal, and Commons, where [illegible] Parliament are mentioned, and not the Clergy. Divers other Statutes might [illegible] be named to this purpoſe, which I omit.

The *fourth* and laſt thing is, of the Biſhops holding of the Eccleſiaſtical Courts in their own names, and not in the name of the King, nor by Commiſſion from him; contrary to the Statute of 1 *E.* 6. *cap.* 2. and contrary to the practice of Biſhop *Ridley*, *Coverdale* and *Ponnet*, who took *Commiſſioners* from the King for holding their Eccleſiaſtical Courts, as may be ſeen this day in the Rolls.

And although it will be objected, That by a late Proclamation in 1637. wherein the Opinion of the Judges is mentioned, it is declared upon their Opinion, That the Act of 1 *E.* 6. was repealed, and that Biſhops may now keep Courts in their own Names, and ſend Proceſs under their own Seals; yet it is well known, that the Statute of 1 Q. *Mary*, which repealed the Statute of 1 *E.* 6. was it ſelf repealed by the Statute of *N. B.* 1 *Jac. cap.* 25. whereupon it was holden upon a full debate of this Point in Parliament 7 *Jac.* which I have ſeen, That upon conſideration of the Statutes of 1 *Jac.* and 1 *Eliz. cap.* 1. and 8 *Eliz. cap.* 1. that the Statute of 1 *E.* 6. was revived, and that Biſhops ought not to keep Courts in their own Names: So that for theſe Reaſons ſo nearly concerning the Right of the Crown of *England* in point of Epiſcopacy, I am againſt the propoſal of that Queſtion, and am for the retaining of the *London Petition*, and for a thorough Reformation of all Abuſes and Grievances of Epiſcopacy mentioned in the Miniſters Remonſtrance; which Reformation may perhaps ſerve the turn, without alteration of the Government of *England* into a Form of Presbytery, as it is in other Kingdoms of *Scotland*, *France*, *Geneva*, and the *Low Countries*; which for mine own part, had I lived in theſe Kingdoms, I ſhould have been of the Opinion of the Proteſtant Party in point of Presbytery, becauſe thoſe Kingdoms are governed by the Civil Law, which maintains the Juriſdiction of the Pope, and Papal Epiſcopacy, which the Ancient Laws of *England* condemn, being likewiſe in themſelves oppoſite to the Civil and Canon Laws. And if notwithſtanding all the Reformation that can be made by the Laws of this Land, a better Form of Government may evidently appear unto us, concerning which there is no Form now before us; it is to be taken by us into conſideration, according to that Imperial Conſtitution in theſe words; *In rebus novis conſtituendis evidens utilitas eſſe debet ut ab eo Jure recedatur, quod diu æquum viſum eſt.*

And ſo, Mr. *Speaker*, I ſhortly conclude, That for theſe Reaſons, omitting divers more, the *London* Petition is to be retained.

Mr. *Speaker*,

Mr. *Pyndell's* Speech, *Feb.* 9. in favour of Epiſcopacy.

I Have heard ſince I had the Honour to ſit here, many Grievances preſented; and truly, Sir, my heart bleeds within me, when I think of them, eſpecially thoſe that concern Religion. But what ſhould I ſpeak of Grievances concerning Religion, when Religion it ſelf is become a Grievance, nay, the very Nurſe and Mother of all Grievances, all Scandals, all Reproaches.

Tantum Religio potuit ſuadere malorum.

Sir, not to trouble you with any long Diſcouſe, if I have any ſight, That Bark both of Church and State hath a long time floated betwixt *Scylla* and *Caribdis*; Popery on the one ſide, and I know not what to call it on the other; in many reſpects both alike dangerous, unleſs the *Italian* Proverb may alter the Caſe, *God defend me from my reputed Friends, and I will defend my ſelf from my profeſs'd Enemies.*

Sir, We are truſted by God, the King and the Country, with the managing of this Bark fraught with the Fortunes of Three Great Kingdoms: Now, ſhould we ſo decline the former Rock, that we daſh on the other ſide, I humbly offer it to this Honourable Aſſembly, Whether ſhe might not have juſt cauſe to ſay, She had changed her Pilot, rather than her Condition, and only ſhifted places to find her Ruin: For, Sir, there is as much beyond Truth, as on this ſide it; and would we ſteer a right Courſe, we muſt be ſure to keep the Channel, leſt we fall from one Extream to another; from the dotage of Superſtition, to the frenzy of Profaneneſs; from bowing to Idols, to worſhip the Calves of our own Imaginations.

Sir, I beſeech you, Conſider what Libellous Pamphlets are now printed, what Ser-

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Thee preached; not building Hay and Stubble, but utterly subverting the Foun- of Truth; what Irreverence in Churches, what Profanation of God's Service, My Scandal of Christianity, the Reproach of Religon, and the intolerable grief of Thee men; of which I may take up the words of *Petrus de Aliaco* to the Councel *Constance*; *Nisi Celeriter fiat Reformatio, audeo dicere quod licet magna sint quæ videmus, bitter ex brevi Incomparabilia majora videbimus, & post Ista tam horrenda majora alia Audiemus.* Sir, I take God to Record, I am no man's Advocate, no man's Enemy, but a faithful lover of Truth and Peace, and a dutiful Son of our distressed Mother, *the Church of* England; in whose behalf, and our own, my motion shall shortly be this; That the Minister's Petition, with so much of their Remonstrance as hath been read, may be committed; and the rest of it, concerning matter of Doctrine, may be referred to some Learned and approved Divines, who have spent their time in that noble Study. For, give me leave to tell you, there is a *vulgus* among the Clergy, as among the Laity; *Et in utroque nil modicum*; And for these, and all things which strike at the *Root and Branch*, as they please to call it; I shall humbly move, That we rather consider how to satisfy the Petitioners, with some timely declaration from both Houses of the Lawfulness and Conveniency of Episcopal Government, derived from the Apostles, and so long established in this Kingdom, than to venture upon any Alteration, the consequence whereof the wisest man cannot foresee. And in truth, Sir, should we once begin (for my own part) I know not how, or where we should stay. Nevertheless, If any one doubt the Superiority of Bishops over Priests and Deacons in Ecclesiastical Government, or in Ordination, I shall be ready, whensoever this House shall command me, to make it good; and I think, by as pregnant Testimonies as we are able to prove betwixt *Canonical* and *Apocryphal Scripture*, the necessity of Infants Baptism, or that the Apostles were the Authors of their *own Creed*: But, Sir, I hope you will save your self, and me, that labour, and rather devise of some safe way to bind up the Churches Wounds, which (God knows) are too wide already, that so the Clergy and Laity being made Friends, and all reduced to the Model of our Ancestors since the Reformation, we may altogether preserve the Unity of the Spirit in the Bond of Peace; and so his Majesty having graciously and prudently expressed himself, I am the more confident, we shall not only put an end to all Mis-intelligence betwixt Prince and People, but also highly advance the Protestant Cause, and give a deadly Blow to the See of *Rome*.

Sir, I humbly crave the Favour of the House, for God is my Witness, *Non potui aliter Liberare Animam meam.*

Mr. *Speaker*,

Mr. *Grimston*'s Speech, *Feb.* 9.

These two Honourable Lords, the Lord *Digby*, and Lord *Faulkland*, that spake last, have not only prevented me in much I intended to have spoken my self, but they have likewise taught me much I knew not before; therefore it is not much you can expect from me. All that I shall say at this time, is rather to prepare the matter for the Question, which hath been already so learnedly debated by them, than to speak any thing of the matter it self. I must confess, when I look upon the Bishops, or at least, upon some of them, and the way of their Government, and the Sufferings of the People under their Tyranny; I wonder not at all at the multitude of Petitioners and Petitions, that have been in this Parliament preferred against them, and that they all cry out, *Cruelly crucify*, or that they would have them up by the *Roots*; but it is necessary we should distinguish between the Persons of the Bishops, which are so obnoxious, and their Functions and Offices; For there is no more weight in the Argument, that because the Bishops have done amiss, therefore take away Episcopacy; than there is in it, Because the Judges of the Common-Law are in fault, therefore take away Judges, and take away the Common-Law. For my own part, I conceive it an easier matter, and safer for us (*Addere inventis*) to reform what is amiss in them and their Government, than (*Creare novum*) to set up a new Form of Government, which we have had no experience of, nor do we know how it should suit, either with the Humours of the People, or with the Monarchical Government; And it may be the New Government, which is so much desired, if it be brought in upon the Grounds and Foundations that some would have it, it will be out of our powers ever to master it again. Whereas, on the other side, in the Government which is already established, If the Governors exceed their Bounds, they may fall into a *Præmunire*, and other Penalties which the Law hath provided in that Case; and if that be not sufficient, we have yet another hank upon them, for our Parliaments have continually a Command over them.

Then, Sir, it may be demanded of me, things having been so much amiss, what it is that I would have done?

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Truly, Sir, I am of Opinion, that much muſt be done, or elſe we had as nothing: Therefore I come to the Particulars. Church-Government may be compared to a Caſtle; Let a Caſtle be never ſo ſtrong, once in Fourſcore years (long it is ſince the firſt Reformation) it may need repair; and it is not the Caſtle I mean the Government, that needs repair, but likewiſe the Governours that are who moſt wickedly and Traiterouſly have turned their Canons upon us, which have been uſed for our defence.

In the firſt place therefore, I conceive it not only convenient, but of abſolute neceſſity, the paring off their Excreſcences, I mean their Temporal Juriſdiction. I muſt confeſs, I know not to what purpoſe they ſhould ſit upon our Benches at our Seſſions of the Peace and Goal-deliveries, or in the Star-Chamber; For by woful Experience we find that their Judgments are guided there more by their boundleſs Wills, and fiery tranſported Paſſions, than by Reaſon, and the Rule of Law, which ought to be their Director. I conceive of leſs uſe is their ſitting at the *Council-board*, to be there at the Helm to guide and ſteer the Temporal Affairs of the Commonwealth, certainly that is not the *Plough* they ought to follow; and by the neglecting of which, ſo many Briars, Brambles and ſtinking Weeds, are ſprung up in God's Houſe the Church, to the great diſtraction of all his Majeſties Kingdoms here at home, and the great wonder and amazement of all the Reformed Churches abroad.

And I conceive it of the leaſt uſe of all, their Sitting in Parliaments, and giving their Voices in the making of Laws; and yet I would not utterly exclude them. For I conceive it might be convenient that all, or, at leaſt, ſome of them might always be preſent there as *Aſſiſtants*, to give their Advice in Spiritual Matters, when they are thereunto required by the Lords, as the Juſtices do in Temporal Affairs.

In the next place I conceive it of as abſolute neceſſity, the taking off the Juriſdiction of the High Commiſſion Court, or at leaſt, to limit and bound it, that it may *(quadrare)* with the Great Charter of our Liberties, and the Laws of this Kingdom.

This Court hath for many years together ridden upon the back of the Common-Law Courts, which ought to have been ſubſervient to them. Each River muſt be kept within its own Bounds; and it is impoſſible to have two Suns ſhine together in one Firmament.

They have likewiſe many ſuperfluous Courts, which I conceive may very well be ſpared; as their *Official Courts*, and *Commiſſary Courts*. Sir, They are no better than Cozening Lotteries, where the King's Subjects are deprived of their Monies, and where their Judges and Inferior Officers do like Phyſicians, that always cure themſelves, tho they deſtroy their Patients: I confeſs I could willingly give my conſent, that they ſhould keep their Chancellor's Court, and their Archdeacon Court, if ſuch Limits and Bounds were put upon them, as by the Wiſdom of this Houſe may be eaſily done.

The Chancellor is *(Cuſtos Conſcientiæ) the Keeper of the Biſhop's Conſcience*; the Archdeacon is *(Oculos Epiſcopi) the Biſhops Eye*: And as I would not take away their *Conſciences*, or their *Eyes*, ſo I would not have them like *Briareus*, have their Finger in every Buſineſs. Thus, Sir, I have ſhortly preſented you with my Opinion; that is, That I am not willing that it ſhould be referred, or committed upon the point of *Subverſion*, but I am willing it ſhould be referred upon the point of Reformation. And if the ſenſe of the Houſe ſhall run that way, I doubt not but at the Committee I ſhall make it manifeſt, that my heart ſtands affected with as much Zeal for having a Reformation, as any man that ſits within theſe Walls.

After all theſe Speeches, and a long Debate, the further Conſideration thereof was referred to the Committee formerly appointed for the *London* Petition, and the Miniſters Remonſtrance, and ſome more Members were added to the Committee, *viz.*

Sir *Henry Vane*, Junior. Mr. *Hollis*, Mr. *Palmer*,
Sir *Thomas Roe*, M. *Holborn*, Mr. *Fiennes*.

Lancaſhire Petition.

A Petition from *Lancaſhire* read, and referred to the Committee for Scandalous Miniſters.

Mr. *Nevill*.

Mr. *Francis Nevil* lately committed to the *Tower* for diſcovering the Secrets of the laſt Parliament, was, upon his ſubmiſſion, diſcharged.

Armagh.

A Complaint being made by the Archbiſhop of *Armagh*, of a Scandalous Book, publiſh'd in his name, pretended to be Directions to the Houſes of Parliament, concerning the *Liturgy and Epiſcopal* Government; it was ordered to be ſuppreſſed.

There was alſo ſome Debate this day in the Houſe of Commons, about furniſhing the King's Navy, upon Intelligence of great Forces that were levying by Neighbour Princes and States, but they came to no reſolve therein.

This

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This day His Majesty came to the House of Lords, and made the following SPEECH.

The King's Speech to the Lords, about the Match between the Lady *Mary* and the Prince of *Orange*, *Feb.* 10. 1640.

My Lords,

THat Freedom and Confidence which I expressed at the beginning of this Parliament to have of your Love and Fidelity towards my Person and Estate, hath made me at this time come hither to acquaint you with the Alliance and Confederacy which I intend to make with the Prince of Orange *and the* States, *which before this time I did not think expedient to do, because that part which I do desire your Advice and Assistance upon, was not ready to be treated on.*

I will not trouble you with a long Digression, by shewing the steps of this Treaty, but leave you to be satisfied in that, by those who under me do manage that Affair; only I shall shew you the Reasons which have induced me to it, and in what I expect your Assistance and Counsel.

The Considerations that have induced me to it, are these.

First, *The Matter of* Religion; *here needs no Dispensation; no fear that my Daughter's Conscience may be any way perverted.*

Secondly, *I do esteem, that a strict Alliance and Confederacy with the* States, *will be as useful to this Kingdom, as that with any of my Neighbours; especially considering their Affinity, Neighbourhood, and way of their Strength.*

And Lastly *(which I never must forget in these Occasions) the use I may make of this Alliance towards the Establishing of my* Sister *and Nephews.*

Now to shew you in what I desire your Assistance; you must know, that the Articles of Marriage are in a manner concluded; but not to be totally ratified, until that of Alliance be ended and agreed; which before I demanded your Advice, I did not think fit to enter upon: And that I may not leave you too much at large how to begin that Counsel, I present you here the Propositions which were offered to me by the States Ambassadors for that intent.

And so my Lords, I shall only desire you to make as much expedition in your Counsels as so great a Business shall require, and shall leave your Lordships to your own Free Debate.

The Propositions presented by the Heers Summerdike *and* Joachim, *Ambassadors from the* States General *to His Majesty, were these.*

Propositions of the States of *Holland* to the King.

TO make proof how much the States do reverence the Honour of his Majesty's Friendship, and do fear to be removed from it; they have given charge and full power to present unto his Majesty the Choice of one of the Four Conditions which follow, according to the convenience of Affairs.

1. Of a League Offensive and Defensive against the King of *Spain*, and his Adherents.
2. Of a Defensive; for Mutual Defence against all Assaults of Strangers by open War, perpetual, or for a time.
3. Of a Reciprocal Promise only, not to assist in any manner the Enemies one of another.
4. Or finally, To agree upon a prefixed time to meet hereafter together; to the end, to advise of some expedient and means to serve *England*, and the United Provinces, against the Forces and Practices of their Enemies.

A Petition was read from *Somersetshire*, complaining of the Abuses of Deputy-Lieutenants, and concerning the rigorous Levying of Ship-money.

The House resolved into a Grand Committee to consider how to raise Money for the *Northern* Armies.

Rumours of Popish Designs.

Thursday, *Febr.* 11. There being notice given to the House of Commons of a great Design on foot amongst the Papists in *England*, *Ireland* and *Wales*: That in *Lancashire* there were 1500. in *Ireland* 8000 Papists ready furnish'd with Arms; and many Thousands in *South* and *North-Wales*, well paid and provided for; and that they used frequently to go to Mass in an insolent manner. And a Letter being brought into the House, as from Secretary *Windebank*, in the Queen's name, to have all Roman Catholicks fast every *Saturday* for the prosperous Success of that Design; There were thereupon Four Gentlemen of the House of Commons sent up to communicate the same to the House of Lords. And an Order was made, That all Judges in their next Circuits should effectually put the Laws in execution against Jesuits and Priests, and to make return of their Proceedings therein to the House.

A Motion was made to borrow 15000 *l.* more of the City of *London* for the present supply of both Armies.

Thanksgiving for the Peace with the *Scots*.

Upon a Conference between both Houses concerning the 7th and 8th Articles of the *Scots* Demands (which were, That all Books, Libels and Proclamations against them be call'd in; That there be Thanksgivings in all Churches for the happy Conclusion of this Peace; And that all Forts and Ensigns of War be taken away between the Two Kingdums.) The same were agreed and consented unto.

Dr. *Pocklington* censured.

A Petition having been exhibited in the House of Lords against Dr. *Pocklington*, by Mr. *Hardy*, one of his Parishioners, accusing the said Doctor as a great Introducer of Superstitions, Innovations and Idolatry; and particularly of charging him with the Writing and Publishing Two Books, The one Intituled, *Altare Christianum*; The other, *Sunday no Sabbath*; Their Lordships having examined and considered thereof, the Doctor was now brought to the Bar of that House, where the Lord Keeper, by the Directions of the House, pronounced this Sentence upon him, ——*That he should never come within the Verge of his Majesty's Court. Be deprived of all his Ecclesiastical Livings and Preferments, be for ever disabled to hold any Place or Dignity in the Church or Commonwealth; And lastly, That his said Books be publickly burnt in the City of* London, *and the Two Universities, by the hand of the Common Hangman.*

An. 1640.

Judge *Berkley* Impeached.

Friday, Feb. 12. A Report being made by Mr. *Hide*, Chairman of the Committee for Judges of the State and Nature of the Charge againſt Sir *Rob. Berkley*, one of the Judges of the *King's-Bench*; The Houſe proceeded to a Vote, *That the ſaid Sir* Robert Berkley *ſhall in the name of all the Commons of* England, *be Impeached of High Treaſon*, and other great Crimes and Miſdemeanors.

And Sir *John Culpeper* was ordered to go up to the Lords, and Impeach him accordingly: And to deſire, That he may be forthwith Committed: And to acquaint their Lordſhips, That in due time this Houſe will reſort to their Lordſhips with particular Articles againſt him.

Taken off the Bench.

Which being done, and it being now *Term*-time, and Judge *Berkley* ſitting upon the *King's-Bench* in *Weſtminſter-Hall*, the Lords ſent Mr. *Maxwell* the Uſher of the *Black Rod*, to fetch him off the *Bench*, which he performed in the face of the Court, *Weſtminſter-Hall* being then full of People; and brought him away Priſoner; which was no ſmall Amazement to the people, and all the other Courts, and others of his Profeſſion. Being brought to the Bar of the Lords Houſe, and acquainted with the Impeachment againſt him, he was committed to the Cuſtody of the Elder Sheriff of *London*.

The Committee concerning Printing of Books, is Revived.

The Bill for Relief of the King's Army, and the *Northern* Parts of the Kingdom, with the Amendments, paſſed, and ſent up to the Lords for their Concurrence.

Saturday, Feb 13. A Bill was brought in for Aboliſhing Superſtition and Idolatry, and for Advancing the Worſhip and Service of God, read twice, and Committed unto

Sir *Robert Pye.*	Mr. *Aſk.*	Mr. *Goodwin.*	Mr *Trenchard:*
Mr. *Whitehead.*	Sir *Edmund Mountfort.*	Sir *Arthur Haſlerig.*	Mr. *Hollis.*
Mr. *Cradock.*	Mr. *Huſſy.*	Mr. *John Moore.*	Mr. *Millington.*
Mr. *Cary.*	Mr. *Kirton.*	Mr. *Noel.*	Mr. *Pierpoint.*
Mr. *William Lewis.*	Mr. *Dutton.*	Mr. *Cecil.*	Sir *Simon d' Ewes:*
Mr. *Cromwell*	Mr. *Potts.*	Mr. *White.*	Sir *John Culpeper.*
Sir *Anthony Irby.*	Sir *Guy Palmes.*	Sir *Edmund Varney.*	Mr. *Norton.*
Mr. *Vaughan.*	Mr. *Pym.*	Mr. *Shuttleworth.*	Mr. *Bury.*
Sir *William Bowyer.*	Sir *John Hotham.*	Alderman *Pennington.*	Sir *John Clotworthy.*
Mr. *Halcher.*	Lord *Faulkland.*	Mr. *Hill*	Sir *Thomas Herle.*
Sir *Chriſtopher Wray.*	Mr *Broxholm.*	Sir *Richard Buller.*	Sir *Thomas Smith.*
Mr. *Fiennes.*	Sir *Gilbert Gerrard.*	Sir *Roger North.*	Mr *Young.*
Lord *Fairfax.*	Sir *William Maſſam.*	Mr *Hambden.*	Sir *William Litton.*
Sir *Henry Mildmay.*	Sir *Thomas Barrington.*	Sir *Thomas Widdrington:*	Sir *Nevil Pool.*
Lord *Ruthyn.*	Sir *Edward Deering.*	Mr. *Hide.*	And all that will come to have Voices at this Committee.
Mr. *Selden.*	Sir *Thomas Hutchinſon.*	Mr *Rouſe.*	
Sir *Robert Harlow.*	Mr. *Evelyn.*	Mr. *Mallory.*	
Mr. *Wheeler.*	Mr. *Pere.*	Sir *Richard Lewſon.*	

Iriſh Army.

Feb. 13. It was this day ordered in the Houſe of Commons, That the Committee appointed to conſider of the Disbanding of the New-Levied *Iriſh* Army, do now preſently meet, to conſider of the ſame; and alſo for the preſent Diſarming of Papiſts in *England*; and for the removing of *Engliſh* Papiſts from the Court.

Lord Keeper.

Feb. 15. The Houſe of Lords thought fit that a Proclamation do iſſue out to ſummon the Lord *Finch*, late Lord Keeper, perſonally to appear before the Lords in Parliament, to anſwer an Accuſation of High Treaſon brought againſt him.

Meſſage.

Ordered, That a Meſſage be ſent to the Lords, to move his Majeſty for his Aſſent to the Bill for the Relief of the King's Army and the *Northern* Counties; and to the Bill for Triennial Parliaments; and that his Majeſty would be pleaſed to paſs them both together.

Act for Triennial Parliaments paſſed.

The Commons were ſent for up to the Houſe of Lords, where his Majeſty paſſed the ſaid Bill for Relief of the *Northern* Parts, and alſo the Bill for Triennial Parliaments: Upon which occaſion he made this following Speech to both Houſes.

King's Speech *Feb.* 15. 41.

My Lords, and You the Knights, Citizens, and Burgeſſes of the Houſe of Commons,

YOU may remember, when both Houſes were with me at the *Banquetting-Houſe* at *Whitehall*, I did declare unto you Two Rocks I wiſhed you to eſchew; this is one of them, and of that Conſequence, that I think never Bill paſſed here in this Houſe, of more Favour to the Subjects, than this is; and if the other Rock be as happily paſſed over as this ſhall be at this time, I do not know what you can ask, for ought I can ſee at this time, that I can make any queſtion to yield unto: Therefore I mention this, to ſhew unto you the ſenſe that I have of this Bill, and the Obligation, as I may ſay, that you have to me for it: For hitherto, to ſpeak freely, I have had no great Encouragement to do it: If I ſhould look to the outward Face of your Actions or Proceedings, and not look to the inward Intentions of your hearts, I might make queſtion of doing it.

Hitherto you have gone on in that which concerns your ſelves to amend, and not in thoſe things that nearly concerns the Strength of this Kingdom, neither for the State, nor my own particular.

This I mention, not to *Reproach* you, but to ſhew you the State of Things as they are: You have taken the Government all in pieces, and I may ſay it is almoſt off the Hindges.

A Skilful Watchmaker, to make clean his Watch, will take it aſunder; and when it is put together, it will go the better, ſo that he leave not out one Pin of it. Now as I have done all this on my part, you know what to do on yours; and I hope you ſhall ſee clearly, That I have performed really what I expreſſed to you at the beginning of this Parliament, of the great Truſt I have in your Affections to me: For this is the greateſt Expreſſion of Truſt, That before you do any thing for me, I do put ſuch a Confidence in you.

The

16 Caroli.

The Acts this day passed, were

1. An Act for the Relief of His Majesty's Army, and the *Northern* Parts; being a Grant of four intire Subsidies.

2. An Act for holding Triennial Parliaments; which was as followeth.

An Act for the Preventing of Inconveniencies happening by the Long Intermission of Parliaments.

The Act for Triennial Parliaments passed, *Feb.* 15. 1640.

Whereas by the Laws and Statutes of this Realm, the Parliament ought to be holden at least once every year, for the Redress of Grievances, but the appointment of the time and place for the holding thereof, hath always belonged, as it ought, to his Majesty and his Royal Progenitors. And whereas it is by Experience found, that the not holding of Parliaments accordingly, hath produced sundry and great Mischiefs and Inconveniencies to the King's Majesty, the Church and Commonwealth; for the prevention of the like Mischiefs and Inconveniencies in time to come:

Be it Enacted by the King's most Excellent Majesty, with the Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, That the said Laws and Statutes be from henceforth duly kept and observed; And your Majesty's Loyal and Obedient Subjects, in this present Parliament now assembled, do humbly pray, that it be Enacted: And be it Enacted accordingly, by the Authority of this present Parliament, That in case there be not a Parliament summoned by Writ under the Great Seal of England, and assembled and held before the 10th of September, which shall be in the Third Year, next after the last day of the last Meeting and Sitting in this present Parliament, the beginning of the First Year to be accounted from the said last day of the last Meeting and Sitting in Parliament, and so from time to time, and in all times hereafter, If there shall not be a Parliament assembled and held before the 10th day of September, which shall be in the Third Year next after the last day of the last Meeting and Sitting in Parliament before the time assembled and held; the beginning of the First Year to be accounted from the said last day of the last Meeting and Sitting in Parliament; That then in every such Case as aforesaid, the Parliament shall assemble, and be held in the usual place at Westminster, in such manner, and by such means only, as is hereafter in this present Act Declared and Enacted, and not otherwise, on the second Monday, which shall be in the Month of November, then next ensuing. And in case this present Parliament now assembled and held, or any other Parliament which shall at any time hereafter be assembled, and held by Writ, under the Great Seal of England, or in case any Parliament shall be assembled and held by Authority of this present Act; And such Parliaments, or any of them, shall be Prorogued, or Adjourned, or continued by Prorogation or Adjournment; until the 10th day of September, which shall be in the Third Year next after the last day of the last Meeting and Sitting in Parliament, to be accounted as aforesaid, that then in every such Case, every such Parliament so Prorogued or Adjourned, or so continued by Prorogation or Adjournment, as aforesaid, shall from the said 10th day of Septemb. be thenceforth clearly and absolutely dissolved, and

An. 1640. the Lord Chancellor of England, the Lord Keeper of the Great Seal of England, and every Commissioner and Commissioners, for the keeping of the Great Seal of England, for the time being, shall within six days after the said 10th day of September, in every such Third Year as aforesaid, in due form of Law, and without any further Warrant or Direction from His Majesty, His Heirs or Successors, seal, issue forth, and send abroad several and respective Writs to the several and respective Peers of this Realm, commanding every such Peer, that he personally be at the Parliament to be held at Westminster, on the Second Monday, which shall be in November next following the said 10th day of September; then and there to treat concerning the high and urgent Affairs concerning His Majesty, the State and Defence of the Kingdom, and Church of England; and shall also Seal and issue forth, and send abroad several and respective Writs to the several and respective Sheriffs of the several and respective Counties, Cities and Boroughs of England and Wales, and to the Constable of the Castle of Dover, Lord Warden of the Cinque Ports, or his Lieutenant for the time being, and to the Mayor and Bayliffs of Berwick upon Tweed, and to all and every other Officers and Persons, to whom Writs have used to be directed, for the electing of the Knights, Citizens, Barons and Burgesses of, and for the said Counties, Cities, Cinque-Ports and Boroughs of England and Wales respectively, in the accustomed form, to appear and serve in the Parliament to be held at Westminster on the said Second Monday, which shall be in Novem. aforesaid: which said Peers, after the said Writs receiv'd, and which said Knights, Citizens, Barons and Burgesses chosen by vertue of the said Writs, shall then and there appear and serve in Parliament accordingly. And the said Lord Chancellor, Lord Keeper, Commissioner and Commissioners aforesaid, shall respectively take a solemn Oath upon the Holy Evangelists, for the due issuing of Writs, according to the tenor of this Act; in hæc verba.

You shall swear, That you shall truly and faithfully issue forth, and send abroad all Writs of Summons to Parliament for both Houses, at such time, and in such manner, as is expressed and enjoined by an Act of Parliament; Entituled, *An Act for the preventing of Inconveniencies happening by the Long Intermission of Parliaments.*

Which Oath is forthwith to be taken by the present Lord Keeper, and to be administred by the Clerk of the Crown to every Lord Chancellor, Lord Keeper, Commissioner and Commissioners aforesaid; and that none of the said Officers respectively shall henceforth execute any the said Offices, before they have taken the said Oath. And if the said Lord Chancellor, Lord Keeper, or any of the said Commissioners shall fail, or forbear so to issue out the said Writs, according to the true meaning of this Act, then he or they respectively shall, beside the incurring of the grievous sin of Perjury, be disabled, and become, by vertue of this Act, incapable, ipso facto, to bear his, and their said Offices respectively; and be further liable to such Punishments as shall be Inflicted upon him, or them, by the next, or any other ensuing Parliament. And in case the said Lord Chancellor, Lord Keeper, Commissioner, or Commissioners aforesaid, shall not issue forth the said Writs as aforesaid: Or

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in case that the Parliament do not Assemble, and be held at the time and place before appointed, Then the Parliament shall Assemble and be held on the usual place at Westminster; in such manner, and by such means only, as is hereafter in this present Act Declared and Enacted, and not otherwise, on the Third Monday, which shall be in the Month of January then next ensuing. And the Peers of this Realm, shall by virtue of this Act be Enabled, and are Enjoyned to Meet in the Old Palace of Westminster, in the usual place there, on the Third Monday in the said Month of November: And they or any Twelve or more of them, then and there Assembled, shall on, or before the Last Monday of November next following the Tenth day of September aforesaid, by virtue of this Act, without other Warrant, issue out Writs in the usual form, in the Name of the King's Majesty, his Heirs, or Successors, attested under the Hands and Seals of Twelve or more of the said Peers; to the several and respective Sheriffs of the several and respective Counties, Cities, and Burroughs of England and Wales; and to the Constable of the Castle of Dover; Lord Warden of the Cinque-Ports, or his Lieutenant for the time being; and to the Mayor and Bailiffs of Berwick upon Tweed; and to all and every other the said Officers and Persons, to whom Writs have been used to be directed, for the electing of the Knights, Citizens, Barons and Burgesses, of and for the said Counties, Cities, Cinque-Ports and Burroughs, to be and appear at the Parliament at Westminster aforesaid, to be held on the Third Monday in January then next following: All and every which Writs, the Clerks of the Pettybag, and other Clerks, to whom the Writing of the Writs for Summons to the Parliament, doth and shall belong, or whom the said Lords, or Twelve or more of them shall appoint; shall at the Command of the said Lords so Assembled, or of any Twelve or more of them, make and prepare ready for the Signature of the said Lords, or any 12 or more of them, under pain of the loss of their Places and Offices, and of such other Punishment as in the next, or any other ensuing Parliament, shall be Inflicted on him or them: And it is Enacted, That the said Writs so issued shall be of the same Power and Force to all intents and purposes, as the Writs or Summons to Parliament under the Great Seal of England, have ever been or ought to be. And all the Messengers of the Chamber or others, who shall be appointed by the said Lords, or any Twelve or more, are hereby required faithfully and speedily to deliver the said Writs to every Person and Persons, Sheriffs, Officers and others, to whom the same shall be directed: Which if the said Messengers, or any of them shall fail to perform, they shall forfeit their respective places, and incur such other pains and punishments, as by that or any other ensuing Parliament shall be imposed on them. 16 *Caroli.*

And it is also further Enacted, That all and every the Peers of this Realm shall make their appearance, and shall assemble on the said third Monday in January, in such manner, and to such effect, and with such power, as if they had received every of them Writs of Summons to Parliament under the Great Seal of England, in the usual and accustomed manner. And in case the said Lords, or twelve, or more of them, shall fail to issue forth such

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And for the better aſſembling of the Knights, Citizens, Barons and Burgeſſes, to the ſaid Parliament, as aforeſaid; It is further Enacted; That the ſeveral and reſpective Sheriffs of the ſeveral and reſpective Counties, Cities and Boroughs of England and Wales, and the Chancellor, Maſters and Scholars of both and every of the Univerſities, and the Mayor and Bayliffs of the Borough of Berwick upon Tweed, ſhall at the ſeveral Courts and places to be held and appointed for their reſpective Counties, Univerſities, Cities and Boroughs, next after the ſaid 23d day of January, cauſe ſuch Knight and Knights, Citizen and Citizens, Burgeſs and Burgeſſes of their ſaid Counties, Univerſities, Cities and Boroughs, reſpectively, to be choſen by ſuch perſons, and in ſuch manner, as if ſeveral and reſpective Writs of Summons to Parliament, under the Great Seal of England, had iſſued, and been awarded. And in caſe any of the ſeveral Sheriffs, or the Chancellors, Maſter and Scholars of either of the Univerſities, or the Mayor and Bayliffs of Berwick reſpectively, do not before 10 of the Clock in the Forenoon of the ſame day, wherein the ſeveral and reſpective Courts and Places ſhall be held or appointed for their ſeveral and reſpective Counties, Univerſities, Cities and Boroughs as aforeſaid begin and proceed on according to the meaning of this Law, in cauſing Elections to be made of ſuch Knight and Knights, Citizen and Citizens, Burgeſs and Burgeſſes, of their ſaid Counties, Univerſities, Cities and Boroughs as aforeſaid, then the Freeholders of each County, and the Maſters and Scholars of every the Univerſities, and the Citizens and others, having Voices in ſuch Election reſpectively, in each Univerſity City and Borough, that ſhall be aſſembled at the ſaid Courts or Places to be held, or appointed, as aforeſaid, ſhall forthwith, without further Warrant, or Direction, proceed to the Election of ſuch Knight, or Knights, Citizen or Citizens, Burgeſs or Burgeſſes aforeſaid, in ſuch manner as is uſual in caſe of Writs of Summons iſſued and awarded.

And it is further Enacted, That the ſeveral and reſpective

Sheriffs

Sheriffs of their ſeveral and reſpective Counties, and the Conſtables of the Caſtle of Dover, and Lord Warden of the Cinque-Ports, or his Lieutenant for the time being reſpectively, ſhall after the ſaid 23d day of January, and before the 8th day of February then immediately next enſuing, award and ſend forth their Precepts to the ſeveral and reſpective Cities and Boroughs, within their ſeveral Counties, and likewiſe unto the ſaid Cinque-ports reſpectively, commanding them reſpectively to make choice of ſuch Citizen and Citizens, Barons, Burgeſs and Burgeſſes, to ſerve in the ſaid Parliament, at the time and place aforeſaid: which ſaid Cities, Cinque-Ports and Boroughs reſpectively, ſhall before the laſt day of the ſaid Month of Febr. make Election of ſuch Citizen and Citizens, Barons, Burgeſs and Burgeſſes, as if Writs for ſummoning of a Parliament, under the Great Seal of England, had iſſued and been awarded. And in caſe no ſuch Precept ſhall come unto the ſaid Cities, Cinque-ports and Boroughs reſpectively, by the time herein limited: or in caſe any Precept ſhall come, and no Election be made thereupon, before the ſaid laſt day of Febr. That then the ſeveral Citizens, Burgeſſes, and other perſons, that ought to Elect and ſend Citizens, Barons and Burgeſſes to the Parliament, ſhall on the firſt Tueſday in March, then next enſuing the ſaid laſt day of February, make choice of ſuch Citizen and Citizens, Barons, Burgeſs and Burgeſſes, as if a Writ of Summons under the Great Seal of England had iſſued and been awarded, and Precepts thereupon iſſued, to ſuch Cities, Cinque-Ports and Boroughs: which Knights, Citizens, Barons and Burgeſſes ſo choſen, ſhall appear and ſerve in Parliament at the time and place aforeſaid, and ſhall each of them be liable unto ſuch pains and cenſures, for his and their not appearing and ſerving then and there in Parliament, as if he or they had been elected and choſen by vertue of a Writ, under the Great Seal of England, and ſhall be likewiſe ſubject unto ſuch further pains and cenſures for his and their not appearing and ſerving then and there in Parliament, as if he or they had been elected and choſen by vertue of a Writ under the Great Seal of England, and ſhall be likewiſe ſubject to ſuch further pains and cenſures, as by the reſt of the Knights, Citizens and Burgeſſes aſſembled in the Commons Houſe of Parliament, he or they ſhall be adjudged unto. And the Sheriffs and other Officers and perſons, to whom it appertaineth, ſhall make Returns, and accept and receive the Returns of ſuch Elections in like manner, as if Writs of Summons had iſſued, and been executed, as hath been uſed and accuſtomed: And in default of the Sheriffs and other Officers reſpectively, in not accepting or making return of ſuch Elections, It ſhall and may be lawful, to and for the ſeveral Freeholders, and other perſons that have elected, to make returns of the Knights, Citizens, Barons and Burgeſſes by them elected, which ſhall be as good and effectual to all intents and purpoſes, as if the Sheriff or other Officers, had received a Writ of Summons for a Parliament, and had made ſuch Returns. And that ſuch Elections, Precepts and Returns ſhall be had and made at ſuch times, by ſuch perſons, and in ſuch manner, as before in this Act is expreſſed and declared, according to the true intent and meaning of this Law; any Writ, Proclamation, 16 *Caroli.*

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mation, Edict, Act, Reſtraint, Inhibition, Order or Warrant to the contrary in any wiſe notwithſtanding. And in caſe any perſon or perſons, ſhall be ſo hardy to adviſe, frame, contrive, ſerve or put in execution any ſuch Writs, Proclamation, Edict, Act, Reſtraint, Inhibition, Order or Warrant thereupon, then he or they ſo offending, ſhall incur and ſuſtain the pains, penalties and forfeitures limited, ordained and provided, in, and by the Statute of Proviſion and Premunire, made in the 16th year of King Richard the 2d, and ſhall from thenceforth be diſabled, during his life, to ſue and implead any perſon in any Action real or perſonal, or to make any gift, grant, conveyance, or other diſpoſition of any his Lands, Tenements, Hereditaments, Goods or Chattels, which he hath to his own uſe, either by Act executed in his Life-time, or by his Laſt Will, or otherwiſe, or to take any Gift, Conveyance, or Legacy to his own Uſe. And if any Sheriff, Conſtable of the Caſtle of Dover, or Lord Warden of the Cinque-ports, ſhall not perform his duty enjoined by this Act, then he ſhall loſe and forfeit the ſum of 1000 l. and every County, City, Cinque-port and Borough that ſhall not make Election of their Knights, Citizens, Barons and Burgeſſes, reſpectively, ſhall incur the penalties following (that is to ſay) every County the ſum of 1000 l. and every City, which is no County, 200 l. and every Cinque-port and Borough the ſum of 100 l. All and every of which ſeveral Forfeitures, and all other Forfeitures in this Act mentioned, ſhall and may be recovered in any of the King's Courts of Record at Weſtminſter, without naming the Chriſtian Name and Sirname of the ſaid Mayor for the time being, by action of Debt, Bill, Plaint or Information, wherein no Eſſoin, Protection, Wager of Law, Aid-Prayer, Priviledge, Injunction or Order of Reſtraint, ſhall be in any-wiſe prayed, granted, or allowed, nor any more than one Imparlance. And if any perſon after notice given, that the Action depending is grounded and proſecuted upon, or by vertue of this Statute ſhall cauſe or procure any ſuch Action to be ſtayed or delayed before Judgment, by colour or means of any Order, Warrant, Power, or Authority, ſave only of the Court, wherein ſuch Action as aforeſaid ſhall be brought or depending, or after Judgment had upon ſuch Action, ſhall cauſe or procure the Execution of, or upon any ſuch Judgment, to be ſtayed or delayed, by colour or means of any Order, Warrant, Power or Authority, ſave only by Writ of Error or attaint, that then the ſaid perſons ſo offending, ſhall incur and ſuſtain all and every the pains, penalties and forfeitures, limited, ordained and provided, in, and by the ſaid Statute of Proviſion and Premunire, made in the 16th of K. Richard the 2d. And if any Lord Mayor of London ſhall at any time hereafter commence or prefer any ſuch Suit, Action or Information, and ſhall happen to die, or be removed out of his Office, before Recovery and Execution had, that yet no ſuch Action, Suit or Information, ſued, commenced or preferred, ſhall by ſuch diſplacing or death, be abated, diſcontinued or ended, but that it ſhall and may be lawful to, and for the Lord Mayor of the City of London, next ſucceeding in that Office and Place, to proſecute, purſue and follow all and every ſuch Action, Bill, Plaint or Information for the Cauſes aforeſaid, ſo hanging and depending,

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in such manner and form, and to all intents and purposes, as that Lord Mayor might have done, which first commenced or preferred the same. The fifth part of all and every the Forfeitures in this Act mentioned, shall go and be, to, and for the use and behoof of the City of London, and the other four parts and residue to be employed and disposed to, and for such only uses, intents and purposes, as by the Knights, Citizens and Burgesses in Parliament assembled, shall be declared, directed and appointed. *Caroli* 16.

Provided, That in case the Freeholders of any County, and Inhabitants, or other persons having or claiming power to make Election of any Knights, Citizens, Barons or Burgesses, shall proceed to making of Election of their Knights, Citizens, Barons and Burgesses, which Election shall afterwards fall out to be adjudged or declared void in Law by the House of Commons, by reason of equality of Voices, or misdemeanour of any person whatsoever, then the said County, City, Cinque-port or Borough, shall not incur the Penalties in this Law, so as an Election de facto be made.

And it is further enacted, That no Parliament henchforth to be assembled, shall be dissolved or prorogued within Fifty days at the least after the time appointed for the meeting thereof, unless it be by Assent of his Majesty, his Heirs or Successors, and of both Houses in Parliament assembled: And that neither the House of Peers, nor the House of Commons, shall be adjourned within Fifty days at least, after the meeting thereof, unless it be by the free Consent of every the said Houses respectively.

And be it further Enacted and Declared by Authority of this present Parliament, That the Peers to be assembled at any Parliament, by vertue of this Act, shall and may from time to time, at any time during such their Assembly in Parliament, chuse and declare such person to be Speaker for the said Peers, as they shall think fit. And likewise that the said Knights, Citizens and Burgesses, to be assembled at any Parliament, by vertue of this Act, shall and may from time to time, at any time during such their assembly in Parliament, chuse and declare one of themselves to be Speaker, for the said Knights, Citizens and Burgesses of the House of Commons assembled in the said Parliament, as they shall think fit; which said Speakers, and every of them, as well for the said Peers, as for the said House of Commons respectively, shall, by vertue of this Act, be perfect and compleat Speakers for the said Houses respectively, and shall have as full and large Power, Jurisdiction and Privileges, to all intents and purposes, as any Speaker or Speakers of either of the said Houses respectively, heretofore have had or enjoyed.

And it is further Enacted and Declared, That all Parliaments hereafter to be assembled by Authority of this Act, and every Member thereof, shall have and enjoy all Rights, Priviledges, Jurisdictions and Immunities, as any Parliament summoned by Writ under the Great Seal of England, or any Member thereof, might or ought to have: And all and every the Members that shall be Elected and Chosen, to serve in any Parliament hereafter to be assembled by Authority of this Act, as aforesaid, shall assemble and meet in the Commons House of Parliament,

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ment, and shall enter into the same, and have Voices in such Parliament, before, and without the taking of the several Oaths of Supremacy and Allegiance, or either of them, any Law or Statute to the contrary thereof in any wise notwithstanding.

Provided always, That if the King's Majesty, his Heirs or Successors, shall at any time, during any Parliament hereafter to be assembled by authority of this Act, as aforesaid, award or direct any Commission or Commissions unto any person or persons whatsoever, thereby giving power and authority to him or them, to take and receive the Oath of Supremacy and Allegiance, of all or any the Members of the Commons House of Parliament, and any the Members of that House being duly required thereunto, shall refuse or neglect to take and pronounce the same, that from thenceforth such person so refusing, or neglecting, shall be deemed no Member of that House, nor shall have any Voice therein, and shall suffer such Pains and Penalties, as if he had presumed to sit in the same House without Election, Return or Authority. And it is likewise provided and Enacted, That this Statute shall be publickly Read Yearly, at every General Sessions of the Peace, to be held next after the Epiphany, and every Assizes then next ensuing, by the Clerk of the Peace, and Clerk of the Assizes for the time being respectively. And if they or either of them shall neglect or fail to do the same accordingly, then such Party so neglecting or failing, shall forfeit the Sum of One Hundred Pounds. And it is lastly Provided and Enacted, That His Majesty's Royal Assent to this Bill shall not thereby determine this present Session of Parliament; and that all Statutes and Acts of Parliament which are to have Continuance unto the end of this present Session, shall be of full force after his Majesty's Assent, until this present Session be fully ended and determined: And if this present Session shall determine by Dissolution of this present Parliament, then all the Acts and Statutes aforesaid shall be continued until the end of the first Session of the next Parliament.

Thanks of both Houses to the King.

Upon his Majesty's passing this Bill for Triennial Parliaments, both Houses were exceeding full of Joy, and agreed to join in waiting upon the King, in the returning their humble thanks for the same; and his Majesty appointed the *Banqueting-house* at *Whiteball* to be the place for both Houses to meet to return their Thanks unto him: which was performed by the Mouth of the Lord Keeper in the name of both Houses; and Bonfires were made that night, and the Bells rung for joy.

February 16.

Several Petitions were this day presented to the House from divers Counties against Bishops, and Innovations in the Church, which were received, read and committed; as likewise a Petition from *Wales*, expressing that there were but 13 Preaching Ministers in all that Principality.

February 17. Impeachment.

The Commons this day took into Consideration the Right of the Commons of *England*, as to their Proceedings upon Impeachment against the Earl of *Strafford*, and what concerns the Kingdom in general in the Legality of those Proceedings, and to consider what is fit for the Commons to claim in case of an Impeachment.

February 18. Report from the Committee against the Earl Marshal's Court.

Mr. *Hide* Reports, That the Constables, and the Earl Marshal's Court, have no Jurisdiction to hold Plea of Words. 2. That the Earl-Marshal can make no Court without the Constable. 3. That the Earl-Marshal's Court is a Grievance; which Opinion of the Committee was this day confirmed by Vote of the House; and power was given to the Committee to consider who they are that were guilty of this Grievance, by the Earl-Marshal's Court, and to consider of some fit way for Reparation to be made to the Party grieved.

Divers

16 *Car.*

Feb. 19.

Divers other Petitions were this Day preſented to the Houſe from remote Counties, againſt Biſhops, Innovations, Ceremonies, *&c.* and ordered to be committed.

Saturday, Feb. 20. Two more Subſidies.

Upon Report this Day made to the Houſe, from the Committee of the whole Houſe, it was reſolved, That Two Subſidies more (to the other Four) ſhould be granted for the maintenance of the King's Army, and ſupply of the *Northern* Parts.

St. *Gregories.*

A Committee was this Day appointed to conſider of the manner of tranſmitting of the Buſineſs of St. *Gregories* to the Lords; and alſo of the Buſineſs concerning Mr. *Smart.*

This Day Sir *Francis Seymour*, a Member of the Houſe of Commons, was introduced into the Lords Houſe, by Virtue of his Majeſty's Writ, and took his place as a Baron in that Houſe.

Feb. 21. Votes touching Dr. *Baſtwick.*

Mr. *Rigby* Reports from the Committee for High Commiſſion and Star-Chamber-Court, the Caſe of Doctor *Baſtwick*: Whereupon it was Reſolved, That the Precept made by the Archbiſhop of *Canterbury* and others, High Commiſſioners for Cauſes Eccleſiaſtical within the Realm of *England*, for the apprehending of the Body of Doctor *Baſtwick*; and in ſearching for and ſeizing his Books; and the Meſſengers Actings thereupon in ſearching Doctor *Baſtwick*'s Houſe, and ſeizing his Books and Papers, are againſt Law and the Liberty of the Subject.

Reſolved, &c.

That the Sentence given againſt Doctor *Baſtwick*, by the High Commiſſioners, and the Proceedings whereupon that Sentence is grounded, and the execution of that Sentence, are againſt Law; and that the Sentence is void, and that Doctor *Baſtwick* ought to be reſtored to the Exerciſe and Practice of Phyſick, and to have Reparation and Recompence for his Damage and Loſs, ſuſtained by the ſaid Sentence and Execution.

Reſolved, &c.

That all thoſe ſeveral Commiſſioners of the High-Commiſſion Court, which voted againſt Doctor *Baſtwick* in the Sentence pronounced againſt him, ought to give ſatisfaction to Doctor *Baſtwick.*

The Houſe afterwards reaſſumed the Debate concerning Doctor *Baſtwick*: Whereupon it was further

Reſolved, &c.

That the Proceedings againſt Doctor *Baſtwick*, againſt the Law and the Liberty of the Subject, as alſo the Sentence againſt him, ought to be reverſed, the Fine of 1000 *l.* diſcharged, and he to have Reparation for his Loſſes and Sufferings.

Reſolved, &c.

That the Orders and Warrants from the Council-Board for Doctor *Baſtwick*'s Exile, and transferring from the Caſtle of *Launceſton* to the Iſle of *Scilly*, and his Impriſonment there, are againſt the Law and Liberty of the Subject, and that he ought to have Reparation for his Loſſes and Damages ſuſtained by thoſe Orders, and that Impriſonment.

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Preſent at the Sentence in the Star-Chamber, theſe Lords and Privy-Counſellors following.

The Lord Keeper.	Earl *Moreton.*
Duke of *Lenox.*	Lord *Newbourgh.*
Earl of *Pembroke.*	Mr. Secretary *Coke.*
Earl of *Holland.*	Lord Privy-Seal.
Lord *Cottington.*	Earl of *Arundel* and *Surrey.*
Sir *Thomas Germin.*	Earl of *Bridgewater.*
Lord Treaſurer.	Viſcount *Wimbleton.*
Marquiſs *Hamilton.*	Sir *Henry Vane.*
Earl of *Dorſet.*	Mr. Secretary *Windebank.*

At the Court at Oatlands, Auguſt 27. 1637.

Preſent the King's moſt Excellent Majeſty.

Lord Archbiſhop of *Canterbury*	Earl of *Dorſet.*
Lord Keeper.	Earl of *Holland.*
Lord Treaſurer.	Viſcount *Wimbleton.*
Duke of *Lenox.*	Mr. Comptroller.
Marquiſs *Hamilton.*	Mr. Secretary *Coke.*
Earl Marſhal.	Mr. Secretary *Windebank.*

Theſe Lords and Privy-Counſellors, laſt mentioned, were preſent at the making the Orders for baniſhing Doctor *Baſtwick*, Mr. *Burton*, and Mr. *Prinn* into the ſeveral Iſlands.

Archbiſhop of *Canterbury.*

Ordered, *That to morrow Morning the Report concerning the Articles againſt the Lord Archbiſhop of* Canterbury *be firſt read, if it be ready.*—— But being not ready, they came not in till the 24*th.*

Feb. 23.

A Petition was this Day read from the Inhabitants of St. *Peter*'s in *Norwich*, complaining, That Mr. *Corbet* was inhibited by the Biſhop of that Dioceſs to preach in his own Pariſh-Church; which the Houſe declared to be an Illegal Inhibition; and proceeded further to Vote, That every Miniſter that is lawfully admitted, inſtituted, and inducted, may preach in his own Pariſh-Church ſo often as he pleaſeth.

A Lawful Miniſter may preach as often as he pleaſeth.

Papiſts.

The Lords this day deſired a Conference with the Commons concerning the disbanding of the *Iriſh* Army, diſarming of Recuſants, and removing Papiſts from Court.

Feb. 24.

Cuſtoms.

A Committee was this Day appointed to take into Conſideration the whole matter of the Cuſtoms and Cuſtomers, Farmers, Receivers, and Collectors of the Impoſition of Tonnage and Poundage ſince the laſt Year of King *James*, and of their Advancement and Abuſes.

Archbiſhop of *Canterbury.*

Feb. 26.

The Articles againſt the Archbiſhop of *Canterbury*, twice read, all ſeverally voted and agreed upon, and ordered to be ingroſſed.

In purſuance of the former Votes of both Houſes, about Ship-money, this enſuing Order was made by the Lords.

Die Veneris 26. *Die Febr.* 1640.

Order of the Lords to vacate the Records about Ship-money.

UPon the Report of the Right Honourable the Lords Committees, appointed to conſider of the way of vacating of the Judgment in the Exchequer, concerning Ship-money; it is ordered by the Lords Spi-

ritual

ritual and Temporal, in the High Court of Parliament aſſembled, That the Lord Keeper, or the Maſter of the Rolls, the Two Lord Chief Juſtices, and the Lord Chief Baron; and likewiſe the Chief Clerk of the Star-Chamber, ſhall bring into the Upper Houſe of Parliament, the Record in the Exchequer of the Judgment in Mr. *Hambden*'s Caſe, concerning Ship-money; and alſo the ſeveral Rolls in each ſeveral Court of the King's-Bench, Common-Pleas, Exchequer, Star-chamber, and *Chancery*; wherein the Judges extrajudicial Opinions in the Caſes made touching Ship-money be entred; and that a *Vacat* ſhall be made in the Upper Houſe of Parliament of the ſaid ſeveral Records: And likewiſe the Judgment of Parliament, touching the illegality of the ſaid Judgments in the Exchequer, and the Proceedings thereupon, and touching the illlegality of the Extrajudicial Opinions of the Judges in the ſaid ſeveral Courts concerning Ship-money, be annexed and apoſtilled unto the ſame. And that a Copy of the Judgment of Parliament, concerning the Illegality of the ſaid Judgment in the Exchequer, under the ſaid Extrajudicial Opinions of the ſaid Judges concerning Ship-money, be delivered to the ſeveral Judges of Aſſize; And that they be required to publiſh the ſame at the Aſſizes in each ſeveral County within their Circuits, and to take care that the ſame be entred and enrolled by the ſeveral Clerks of Aſſizes: And if any entry be made by any *Cuſtos Rotulorum*, or Clerk of Aſſize of the ſaid Judgment in the Exchequer, or of the ſaid Extrajudicial Opinions of the Judges, that ſeveral *Vacats* be made thereof *per Judicium in Parliamento*, by Judgment in Parliament; and that an Act of Parliament be prepared againſt the ſaid Judgment and Extrajudicial Opinions in the Proceeding touching Ship-money. *16 Car.*

Vacatur iſtud Recordum & Judicium inde habitum per conſiderationem & Judicium Dominorum Spiritualium, & Temporalium in Parliamento, & Irrotulamentum eorum Cancellatur.

This Day the Houſe of Peers ſent to the Commons the Anſwer of the Earl of *Strafford* to the ſeveral Articles of Impeachment againſt him in the Lords Houſe, containing above 100 Sheets of Paper.

Likewiſe this Day the engroſſed Articles againſt the Archbiſhop of *Canterbury* were read, and ordered to be ſent up to the Lords, and were carried up by Mr. *Pym*, Mr. *Hampden*, and Mr. *Maynard*. Articles againſt the Archbiſhop carried up to the Lords, 26 *Feb.* 1640.

And Mr *Pym* coming to the Lords Bar to preſent them, ſpake as followeth.

My Lords,

I Am commanded by the Knights, Citizens, and Burgeſſes now Aſſembled for the Commons in Parliament, to deliver to your Lordſhips theſe Articles; in maintenance of their Charge againſt the Archbiſhop of *Canterbury*. Their deſire is, That firſt your Lordſhips would be pleaſed to hear the Articles read; and then I ſhall endeavour to preſent to you the Sence of the Commons, concerning the Nature of the Charge, and the Order of their Proceedings. Mr. *Pym*'s Speech.

An. 1640.

(DUPLICATE.)

Articles of the Commons aſſembled in Parliament, in maintenance of their Accuſation againſt William Laud *Archbiſhop of* Canterbury; *whereby he ſtands charged with High Treaſon, and other high Crimes and Miſdemeanors.*

Articles againſt the Archbiſhop.

1. THat he hath traiterouſly endeavoured to ſubvert the Fundamental Laws and Government of this Kingdom of *England*; and inſtead thereof, to introduce an arbitrary and tyrannical Government againſt Law: And to that end, hath wickedly and traiterouſly adviſed his Majeſty, That he might, at his own Will and Pleaſure, levy and take Money of his Subjects, without their Conſent in Parliament; and this he affirmed was warrantable by the Law of God.

2. That he hath for the better accompliſhment of that his Traiterous Deſign, adviſed and procured Sermons and other Diſcourſes to be preached, printed, and publiſhed; in which the Authority of Parliaments, and the Force of the Laws of this Kingdom, have been denied, and abſolute unlimitted Power over the Perſons and Eſtates of his Majeſty's Subjects, maintained and defended; not only in the King, but in himſelf and other Biſhops, againſt the Law: And he hath been a great Protector, Favourer, and Promoter of the Publiſhers of ſuch falſe and pernicious Opinions.

3. He hath by Letters, Meſſages, Threats, and Promiſes, and by divers other ways to Judges, and other Miniſters of Juſtice, interrupted and perverted; and other times by means aforeſaid, hath endeavoured to interrupt and pervert the courſe of Juſtice in his Majeſty's Courts at *Weſtminſter*, and other Courts, to the ſubverſion of the Laws of this Kingdom; whereby ſundry of his Majeſty's Subjects have been ſtopt in their juſt Suits, deprived of their lawful Rights, and ſubjected to his tyrannical Will, to their ruine and deſtruction.

4. That the ſaid Archbiſhop hath traiterouſly and corruptly ſold Juſtice to thoſe who have had Cauſes depending before him, by colour of his Eccleſiaſtical Juriſdiction, as Archbiſhop, High Commiſſioner, Referree, or otherwiſe; and hath taken unlawful Gifts and Bribes of his Majeſty's Subjects (and hath as much as in him lies) endeavoured to corrupt the other Courts of Juſtice, by adviſing and procuring his Majeſty to ſell Places of Judicature, and other Offices, contrary to the Laws and Statutes in that behalf.

5. He hath traiterouſly cauſed a Book of Canons to be compoſed and publiſhed, without any lawful Warrant and Authority in that behalf; in which pretended Canons, many matters are contained contrary to the King's Prerogative, to the Fundamental Laws and Statutes of this Realm, to the Right of Parliament, to the Property and Liberty of the Subject; and matters tending to Sedition, and of dangerous Conſequence; and to the eſtabliſhment of a vaſt, unlawful, and preſumptuous Power in himſelf and his Succeſſors: Many of which Canons, by the practice of the ſaid Archbiſhop, were ſurreptitiouſly paſſed in the late Convocation, without due conſideration and debate; others by fear and compulſion were ſubſcribed by the Prelates and Clerks there aſſembled, which had never been voted and paſſed in the Convocation, as they ought to have been. And the ſaid Archbiſhop hath contrived, and endeavoured to aſſure and confirm

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the unlawful, exorbitant Power, which he hath uſurped and exerciſed over his Majeſty's Subjects, by a wicked and ungodly Oath, in one of the ſaid pretended Canons, enjoyned to be taken by all the Clergy, and many of the Laity of this Kingdom. 16 *Car.*

6. He hath traiterouſly aſſumed to himſelf a Papal and Tyrannical Power, both in Eccleſiaſtical and Temporal Matters, over his Majeſty's Subjects in this Realm of *England*, and in other places, to the Diſheriſon of the Crown, Diſhonour of his Majeſty, and Derogation of his Supreme Authority in Eccleſiaſtical Matters. And the ſaid Archbiſhop claims the King's Eccleſiaſtical Juriſdiction, as incident to his Epiſcopal Office, and Archiepiſcopal in this Kingdom; and doth deny the ſame to be derived from the Crown of *England*; which he hath accordingly exerciſed, to the high Contempt of his Royal Majeſty, and to the Deſtruction of divers of the King's Leige People, in their Perſons and Eſtates.

7. That he hath traiterouſly endeavoured to alter and ſubvert God's true Religion, by Law eſtabliſhed in this Realm; and inſtead thereof, to ſet up Popiſh Superſtition and Idolatry: And to that end, hath declared and maintained in Speeches and printed Books, divers Popiſh Doctrines and Opinions, contrary to the Articles of Religion eſtabliſhed by Law. He hath urged and enjoyned divers Popiſh and Superſtitious Ceremonies without any warrant by Law, and hath cruelly perſecuted thoſe who have oppoſed the ſame, by corporal Puniſhments and Impriſonments; and moſt unjuſtly vexed others, who refuſed to conform thereunto, by Eccleſiaſtical Cenſures of Excommunication, Suſpenſion, Deprivation, and Degradation, contrary to the Laws of this Kingdom.

8. That for the better advancing of his traiterous Purpoſe and Deſign, he did abuſe the great Power and Truſt his Majeſty repoſed in him; and did intrude upon the Places of divers great Officers, and upon the Right of other his Majeſty's Subjects, whereby he did procure to himſelf the Nomination of ſundry Perſons to Eccleſiaſtical Dignities, Promotions, and Benefices, belonging to his Majeſty, and divers of the Nobility, Clergy, and others; and hath taken upon him the Commendation of Chaplains to the King; by which means, he hath preferred to his Majeſty's Service, and to other great Promotions in the Church, ſuch as have been Popiſhly affected, or otherwiſe unſound and corrupt both in Doctrines and Manners.

9. He hath for the ſame traiterous and wicked Intent, choſen and imployed ſuch Men to be his own Domeſtical Chaplains, whom he knew to be notoriouſly diſaffected to the Reformed Religion, groſly addicted to Popiſh Superſtition, and erroneous and unſound both in Judgment and Practice; and to them, or ſome of them, hath he committed the Licenſing of Books to be printed; by which means divers falſe and ſuperſtitious Books have been publiſhed, to the great ſcandal of Religion, and to the ſeducing of many of his Majeſty's Subjects.

10. He hath traiterouſly and wickedly endeavoured to reconcile the Church of *England* with the Church of *Rome:* And for the effecting thereof, hath conſorted and confederated with divers Popiſh Prieſts and Jeſuits, and hath kept ſecret Intelligence with the Pope of *Rome*; and by Himſelf, his Agents, and Inſtruments, treated with ſuch as have from thence received Authority and Inſtruction; he hath permitted and countenanced a Popiſh Hierarchy, or Eccleſiaſtical Government, to be eſtabliſhed in this Kingdom; by all which traiterous and malicious Practices, this Church and Kingdom hath been exceedingly endangered, and like to fall under the Tyranny of the *Roman* See.

11. He in his own Perſon, and his Suffragans, Viſitors, Surrogates, Chancellors, and other Officers, by his Command, have cauſed divers

Learned,

An. 1640. Learned, Pious, and Orthodox Miniſters of God's Word to be ſilenced ſuſpended, deprived, degraded, excommunicated, and othewiſe grieved, without any juſt and lawful Cauſe: And by divers other means he hath hindred the preaching of God's Word, cauſed divers of his Majeſty's Loyal Subjects to forſake the Kingdom, and increaſed and cheriſhed Ignorance and Prophaneneſs amongſt the People, that ſo he might the better facilitate the way, to the effecting of his own wicked and traiterous Deſign of altering and corrupting the true Religion here eſtabliſhed.

12. He hath traiterouſly endeavoured to cauſe Diviſion and Diſcord between the Church of *England* and other Reformed Churches; and to that end hath ſuppreſt and abrogated the Priviledges and Immunities, which have been by his Majeſty and Royal Anceſtors granted to the *Dutch* and *French* Churches in this Kingdom: And divers other ways hath expreſſed his Malice and Diſſatisfaction to theſe Churches; that ſo by ſuch diſtinction, the Papiſts might have more advantage for the overthrow and extirpation of both.

13. He hath maliciouſly and traiterouſly plotted and endeavoured to ſtir up War and Enmity between his Majeſty's two Kingdoms of *England* and *Scotland*; and to that purpoſe hath laboured to introduce into the Kingdom of *Scotland*, divers Innovations both in Religion and Government, all or the moſt of them tending to Popery and Superſtition, to the great grievance and diſcontent of his Majeſty's Subjects of that Nation: And for their refuſing to ſubmit to ſuch Innovations, he did traiterouſly adviſe his Majeſty to ſubdue them by force of Arms; and by his own Authority and Power, contrary to Law, he did procure ſundry of his Majeſty's Subjects, and enforced the Clergy of this Kingdom to contribute towards the maintenance of that War: And when his Majeſty, with much Wiſdom and Juſtice, had made a Pacification betwixt the two Kingdoms, the ſaid Archbiſhop did preſumptuouſly cenſure that Pacification, as diſhonourable to his Majeſty; and by his Councils and Endeavours, ſo incenſed his Majeſty againſt his ſaid Subjects of *Scotland*, that he did thereupon (by Advice of the ſaid Archbiſhop) enter into an Offenſive War againſt them, to the great hazard of his Majeſty's Perſon and his Subjects of both Kingdoms.

14. That to preſerve himſelf from being queſtioned for theſe and other his traiterous Courſes, he hath laboured to ſubvert the Rights of Parliament, and the ancient Courſe of Parliamentary Proceedings; and by falſe and malicious Slanders to incenſe his Majeſty againſt Parliaments.

By which Words, Counſels, and Actions, he hath traiterouſly, and contrary to his Allegiance laboured to alienate the Hearts of the King's Liege People from his Majeſty, and to ſet a Diviſion between them, and to ruine and deſtroy his Majeſty's Kingdoms; for which they do impeach him of High Treaſon, againſt our Soveraign Lord the King, his Crown and Dignity.

The ſaid Commons do further averr, That the ſaid *William* Archbiſhop of *Canterbury*, during the times the forementioned Crimes were done and committed, hath been a Biſhop or Archbiſhop of this Realm of *England*, one of the King's Commiſſioners for Eccleſiaſtical matters, and one of his Majeſty's moſt Honourable Privy Council; and hath taken an Oath for his faithful Diſcharge of the ſaid Office of Councellor; and hath likewiſe taken an Oath of Supremacy and Allegiance.

And the ſaid Commons by Proteſtation, ſaving to themſelves the liberty of exhibiting, at any time hereafter, any other Accuſation or Impeachment againſt the ſaid Archbiſhop, and alſo replying to the Anſwers that the ſaid Archbiſhop ſhall make unto the ſaid Articles, or any of them, and offering further

16 *Car.*

further Proof, alſo of the Premiſes, or any of them, or of any other Impeachment or Accuſation that ſhall be exhibited by them, as the Cauſe ſhall, according to the courſe of Parliament, require, do pray that the ſaid Archbiſhop may be put to anſwer to all and every the Premiſes; and that ſuch Proceedings, Examination, Tryal, and Judgment, may be upon every of them had and uſed, as is agreeable to Law and Juſtice.

The Articles being read, Mr. *Pym* proceeded as follows:

My Lords,

The remainder of Mr. *Pym*'s Speech.

THere is an Expreſſion in the Scripture, which I will not preſume either to underſtand, or to interpret; yet to a vulgar Eye, it ſeems to have an Aſpect ſomething ſuitable to the Perſon and Cauſe before you: It is a deſcription of the Evil Spirits, wherein they are ſaid to be *Spiritual Wickedneſſes in high Places*; Crimes acted by the ſpiritual Faculties of the Soul, the Will and Underſtanding, exerciſed about ſpiritual Matters, concerning God's Worſhip and the Salvation of Man, ſeconded with Power, Authority, Learning, and many other Advantages, do make the Party who commits them very ſuitable to that deſcription, *Spiritual Wickedneſſes in high Places.* Theſe Crimes, my Lords, are various in their Nature; heinous in their quality, and univerſal in their extent. If you examine them *Theologically*, as they ſtand in oppoſition to the Truth of God, they will be found to be againſt the Rule of Faith, againſt the Power of Godlineſs, againſt the Means of Salvation.

If you examine them *Morally*, as they ſtand in oppoſition to the Light of Nature, to Right Reaſon, and the Principles of Humane Society; you will then perceive Pride without any Moderation; ſuch a Pride as that is which exalts it ſelf above all that is called God: Malice without any Provocation; Malice againſt Vertue, againſt Innocence, againſt Piety; Injuſtice, without any Means of Reſtitution, even ſuch Injuſtice as doth rob the preſent Times of their Poſſeſſions, the future of their Poſſibilities.

If they be examined, *my Lords*, by legal Rules in a civil way, as they ſtand in oppoſition to the Publick Good, and to the Laws of the Land; he will be found to be a Traytor againſt his Majeſty's Crown, an Incendiary againſt the Peace of the State; he will be found to be the higheſt, the boldeſt, and moſt impudent Oppreſſor that ever was, an Oppreſſor both of King and People.

This Charge, *my Lords*, is diſtributed and conveyed into fourteen ſeveral Articles, as you have heard; and thoſe Articles are only general: It being the Intention of the Houſe of Commons (which they have commanded me to declare) to make them more certain and particular, by preparatory Examinations, to be taken with the help of your Lordſhips Houſe, as in the Caſe of my Lord of *Straffford*. I ſhall now run through them with a light touch, only marking in every of them ſome ſpecial point of Venom, Virulency, and Malignity.

1. The firſt Article, *my Lords*, doth contain his Endeavour to introduce into this Kingdom an Arbitrary Power of Government, without any Limitations or Rules of Law. This (*my Lords*) is againſt the ſafety of the King's Perſon, the Honour of his Crown, and moſt deſtructive to his People. Thoſe Cauſes which are moſt perfect, have not only a power to produce Effects, but to conſerve and cheriſh them. The ſeminary Vertue and the nutritive Vertue in Vegetables, do proceed from the ſame Principles. It was the defect of Juſtice, the reſtraining of Oppreſſion and Violence, that firſt brought Government into the World, and ſet up Kings, the moſt excellent way of Government; and by the maintenance of Juſtice, all kinds of Government receive a ſure foundation and eſtabliſhment: It is this that hath in it an Ability to preſerve and ſecure the Royal Power of Kings, yea, to adorn and increaſe it.

In the ſecond Article, your Lordſhips may obſerve abſolute and unlimitted Power defended, by Preaching, by Sermons, and other Diſcourſes printed and publiſhed upon that Subject. And truly (*my Lords*) it ſeems to be a prodigious Crime, That the Truth of God and his holy Law, ſhould be perverted to defend the Lawleſneſs of Men: That the holy and ſacred Function of the Miniſtry, which was ordained for Inſtruction of Mens Souls in the ways of God, ſhould be

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be ſo abuſed, that the Miniſters are become the Trumpets of Sedition, the Promoters and Defenders of Violence and Oppreſſion.

3. In the third Article, *my Lords*, you have the Judges, who under his Majeſty are the Diſpenſers and Diſtributers of Juſtice, frequently corrupted by Fear and Sollicitation; you have the courſe of Juſtice, in the execution of it, ſhamefully obſtructed; and if a wilful Act of Injuſtice in a Judge be ſo high a Crime, in the Eſtimate of the Law, as to deſerve Death, under what burthen of Guilt doth this Man lie, who hath been the cauſe of great numbers of ſuch voluntary and wilful Acts of Injuſtice?

4. In the fourth Article, he will be found in his own Perſon to have ſold Juſtice in Cauſes depending before him; and, by his wicked Counſel, endeavouring to make his Majeſty a Merchant of the ſame Commodity; only with this difference, That the King by taking Money for Places of Judicature, ſhould ſell it in Groſs, whereas the Archbiſhop ſold it by Retail.

5. In the fifth Article, there appears a Power uſurped of making Canons, of laying Obligations on the Subjects in the Nature of Law; and this Power abuſed to the making of ſuch Canons as are in the matter of them very pernicious, being directly contrary to the Prerogative of the King, and the Liberty of the People. In the manner of preſſing of them, may be found fraud and ſhuffling, in the concluſion Violence and Conſtraint, Men being forced, by Terror and Threatning, to ſubſcribe to all: Which Power thus wickedly gotten, they labour to eſtabliſh by Perjury; enjoyning ſuch an Oath for the maintenance of it, as can neither be taken nor kept with a good Conſcience.

6. In the ſixth Article, you have the King robbed of his Supremacy; you have a Papal Power exerciſed over his Majeſty's Subjects in their Conſciences, and in their Perſons: You have Eccleſiaſtical Juriſdiction claimed, by an incident Right, which the Law declares to proceed from the Crown.

☞ And herein your Lordſhips may obſerve, That thoſe who labour in Civil Matters, to ſet up the King above the Laws of the Kingdom, do yet, in Eccleſiaſtical Matters, endeavour to ſet up themſelves above the King. This was firſt procured by the Archbiſhop, to be extrajudicially declared by the Judges, and then to be publiſhed in a Proclamation: In doing whereof, he hath made the King's Throne but a Footſtool for his own and their Pride.

7. You have, *my Lords*, in the ſeventh Article, Religion undermined and ſubverted; you have Popery cheriſhed and defended: You have this ſeconded with Power and Violence, by ſevere puniſhment upon thoſe which have oppoſed this miſchievous Intention: And by the ſubtile and eager proſecution of theſe Men, hath the Power of Eccleſiaſtical Commiſſioners of the Star-Chamber and Council-Table, been often made ſubſervient to his wicked Deſign.

8. *My Lords*, You may obſerve in the eighth Article, great care taken to get into his own hand the Power of nominating to Eccleſiaſtical Livings and Promotions: You have as much miſchievous, as much wicked Care taken in the diſpoſing of theſe Preferments, to the hindrance and corruption of Religion. And by this means, *my Lords*, the King's ſacred Majeſty, inſtead of Sermons fit for ſpiritual Inſtructers, hath often had Invectives againſt his People, encouragement to Injuſtice, or to the overthrow of the Laws. Such Chaplains have been brought into his Service, as have, as much as may be, laboured to corrupt his own Houſhold, and been eminent Examples of Corruption to others; which hath ſo far prevailed, as that it hath exceedingly tainted the Univerſities, and been generally diſperſt to all the chief Cities, the greateſt Towns and Auditories of the Kingdom: The grievous Effects whereof, are moſt manifeſt to the Commons Houſe, there being divers hundred Complaints there depending in the Houſe, againſt ſcandalous Miniſters; and yet I believe the hundredth part of them is not yet brought in.

9. The Ninth Article ſets out the like Care to have Chaplains of his own, that might be Promoters of this wicked and Traiterous Deſign, Men of corrupt Judgments, of corrupt Practices, extreamly addicted to Superſtition: And to ſuch Mens Cares hath been committed the Licenſing of Books to the Preſs; by means whereof many have been publiſhed that are full of Falſhood, of Scandals, ſuch as have been more worthy to be burnt by the Hand of the Hang-man in *Smithfield* (as I think one of them was) than to be admitted to come into the Hands of the King's People.

10. In the Tenth Article it will appear, how he, having made theſe Approaches to Popery, comes now to cloſe and joyn more nearly with it; he confederates with Prieſts and Jeſuits; he, by his Inſtruments, negotiates with the Pope at *Rome*, and hath Correſpondence with them that he Authoriſed from *Rome* here; he hath permitted a *Roman* Hierarchy to be ſet up in this Kingdom. And though he hath been ſo careful, that a poor Man could not go to the Neighbour-Pariſh to hear a Sermon, when he had none at home; could not have a Sermon repeated, nor Prayer uſed in his own Family; but he was a fit Subject for the High-Commiſſion Court; yet the other hath been done in all parts of the Realm, and no notice taken of it by any Eccleſiaſtical Judges or Courts. 16 *Car.*

11. *My Lords*, you may perceive Preaching ſuppreſs'd in the Eleventh, divers Godly and Orthodox Miniſters oppreſſed in their Perſons and Eſtates. You have the King's Loyal Subjects baniſhed out of the Kingdom; not as *Elimelech*, to ſeek for Bread in Foreign Countries, by reaſon of the great Scarcity which was in *Iſrael*; but travelling abroad for the Bread of Life, becauſe they could not have it at home, by reaſon of the Spiritual Famine of God's Word, cauſed by this Man and his Partakers: And by this means you have had the Trade, the Manufactory, the Induſtry of many thouſands of his Majeſty's Subjects carried out of the Land.

It is a miſerable abuſe of the Spiritual Keys, to ſhut up the Doors of Heaven, and to open the Gates of Hell, to let in Prophaneneſs, Ignorance, Superſtition and Error. I ſhall need ſay no more, theſe things are evident, and abundantly known to all.

12. In the 12th Article, *My Lords*, you have a Diviſion endeavour'd between this and the Foreign Reformed Churches. The Church of Chriſt is one Body; and the Members of Chriſt have a mutual Relation, as Members of the ſame Body. Unity with God's true Church every where, is not only the Beauty, but the ſtrength of Religion; of which Beauty and Strength he hath fought to deprive this Church, by his manifold Attempts to break this Union. To which purpoſe he hath ſuppreſſed the Priviledges granted to the *Dutch* and *French* Churches: He hath denyed them to be of the ſame Faith and Religion with us: and many other ways hath he declared his Malice to thoſe Churches.

13. In the Thirteenth Article, as he hath ſought to make an Eccleſiaſtical Diviſion of Religious Difference between us and Foreign Nations, ſo he hath ſought to make a Civil Difference between us and his Majeſty's Subjects of the Kingdom of *Scotland*: And theſe he hath promoted by many Innovations there, preſt by himſelf and his own Authority. When they were uncapable of ſuch Alterations, he adviſed his Majeſty to uſe Violence. He hath made private and publick Collections towards the maintenance of the War, which he might juſtly call his own War; and with an impudent boldneſs hath ſtruck Tallies in the Exchequer for divers Sums of Money procured by himſelf, *pro defenſione Regni*; when by his Counſels, the King was drawn to undertake, not a defenſive, but an Offenſive War.

14. He hath, laſtly, thought to ſecure himſelf and his Party, by ſeeking to undermine Parliaments, and thereby hath laboured to Bereave this Kingdom of the Legiſlative Power, which can only be uſed in Parliaments; and that we ſhould be left a Kingdom, without that which indeed makes and conſtitutes a Kingdom, and is the only means to preſerve and reſtore it from Diſtempers, and Decays. He hath hereby endeavoured to bereave us of the higheſt Judicatory; ſuch a Judicatory, as is neceſſary and eſſential to our Government, ſome Caſes of Treaſon, and others concerning the Prerogative of the Crown, and Liberty of the People. It is the Supream Judicatory, to which all difficult Caſes Reſort from other Courts. He hath ſought to deprive the King of the Love and Counſel of his People, and of that Aſſiſtance which he might have from them; and likewiſe to deprive the People of that Relief of Grievances, which they moſt humbly expect from his Majeſty.

My Lords, The Parliament is the Cabinet wherein the chiefeſt Jewels both of the Crown and Kingdom are depoſited. The Great Prerogative of the King, and Liberty of the People are moſt effectually exerciſed and maintained by Parliaments. Here, *My Lords*, you cannot paſs by this Occaſion of great Thanks to God and his Majeſty for paſſing the Bill; whereby the frequent courſe of

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This is all, *My Lords*, I have to ſay to the Particulars of the Charge. The Commons deſire your Lordſhips, that they may have the ſame way of Examination that they had in the Caſe of the Earl of *Strafford*; that is, to examine Members of all kinds, of your Lordſhips Houſe and their own, and others, as they ſhall ſee cauſe; and thoſe Examinations to be kept ſecret and private, that they may with more advantage be made uſe of when the matter comes to Tryal. They have declared, That they reſerve to themſelves the Power of making Additional Articles; by which they intend to Reduce his Charge to be more particular and certain, in reſpect of the ſeveral Times, Occaſion, and other Circumſtances of the Offences therein charged. And that your Lordſhips would be pleaſed to put this Cauſe in ſuch a quick way of proceeding, that theſe great and dangerous Crimes, together with the Offenders, may be brought to a juſt Judgment.

The Archbiſhop ſent to the Tower.

Upon the Reading of theſe Articles, the Lords made an Order, That the Archbiſhop ſhould, on *Munday* following, being the firſt of *March*, be removed from Mr. *Maxwell's*, and ſent to the Tower; and that he and the Earl of *Strafford* ſhould not come together. And ſo he continued a Priſoner without putting in his Anſwer, or petitioning for Tryal, or being further proſecuted for near two years ſpace; and then the Commons exhibited Additional Articles againſt him, and proceeded to his Tryal, as in its proper place ſhall be ſhewn.

Munday the 1ſt of *March.* Uſury.

A Bill brought in againſt exceſſive Uſury, allowing only 6 *l. per cent.* to them that lend, and 12 *d.* to the Clerk or Scrivener for the Bond; and if any take more, ſuch Clerk or Scrivener to forfeit 20 *l.* &c.

Petition.

A Petition delivered to the Houſe, from ſome of the Lords and Gentry of the County of *Cambridge*, complaining of, and diſowning a former Addreſs from that County againſt *Epiſcopacy*.

Dr. *Chaffin* for Words.

Dr. *Chaffin* was brought to the Bar, for certain Words delivered at a Viſitation Sermon at *Salisbury*, as reflective and ſcandalous upon Parliaments. He endeavoured to put the faireſt Interpretation upon them; and being ordered to withdraw, the Queſtion being put, Whether he ſhould be ſent to the Tower, it was carried in the Negative by one Voice only; and ſo, having received a Reprimand from the Speaker, and enjoin'd to make a publick Explanation of the Words in a Sermon, in the Cathedral in *Sarum*, he was diſcharged.

Mr. *Hambden*,
Mr. *Hollis*,
Mr. *Maynard*,
Mr. *Potts*,
Sir *Gilbert Gerrard*,
Sir *John Culpepper*,
Mr. *Hatcher*,
Sir *Tho. Barrington*,
Mr. *Reynolds*,
Mr. Sollicitor,
Mr. *Selden*,
Mr. *Whiſtler*,
Mr. *King*,
Mr. *Rigby*,
Mr. *Whitehead*,
Sir *Tho. Widdrington*,
Mr. *Bagſhaw*,
Mr. *Moore*,
Sir *Arthur Haſelrigg*,
Sir *Simon d'Ewes*,
Mr. *Vaughan*,

And

Sir *Edward Hungerford*,

Clergy to be out of the Commiſſion of Peace.

Are appointed a Committee, to conſider of ſeveral Protections granted to Popiſh Recuſants, and alſo to prepare Reaſons to be offered to the Lords at a Conference to be deſired, about putting all Clergy-men in *England*

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and *Wales* out of the Commiſſion of the Peace, and to conſider of the Names of fit Perſons to be put in their room in every County.

City to lend 100000 *l.*

Alderman *Pennington* intimates to the Houſe the Inclination of the City to lend 100000 *l.* for ſpeedy ſupply of the preſent Exigencies, upon the ſecurity of the two Subſidies laſt voted, for the Relief of the Northern Parts. The Houſe declares the ſame to be an acceptable Service; and Members are employed to the City for that purpoſe.

March 2. Dr. *Baſtwick.*

The Houſe reaſſumed the Debate concerning Dr. *Baſtwick*; and *Reſolved*, That the Archbiſhop of *Canterbury*, and all thoſe that voted againſt Dr. *Baſtwick* in the Star-Chamber, ſhall make him ſatisfaction for the Damages ſuſtained by that Sentence.

Ordered, That it be referred to a Committee to prepare a Bill, and therein to conſider how far the Heirs and Executors of ſuch as are or have been in Judicial or Miniſterial Places, ſince the Firſt Year of King *Charles*, that have or ſhall do wrong to the Commonwealth, by Extortion, Oppreſſion, or Injuſtice, ſhall be liable to make Reparations to the Parties grieved.

March 3.

Ordered, That no private Petitions, for a Fortnight, ſhall be read in the Houſe; and that the Chairmen of all the ſeveral Committees, ſhall have Power to receive ſuch Petitions as ſhall be concerning the matters to them reſpectively referred.

Cards.

A Bill for prohibiting of foreign Cards to be brought into the Kingdom, read the firſt time.

Ordered, That thoſe Members that lent Money, be paid out of the four Subſidies; and thoſe that firſt pay ready Money, or give Bond whereby ready Money may be had, ſhall be firſt ſecured. Furthermore, the Houſe declared, That this voluntary Grant and Engagement of any of their Members for providing of Money, ſhall be no Precedent for future times; requiring that this their Declaration be entred of Record in the Parliament-Rolls, and in the *Chancery*, as in like Caſes hath formerly been uſed.

Ordered, That after 50000 *l.* is paid to Sir *Will. Vdal*, for to ſupply his Majeſty's Army; then 25000 *l.* ſhall be paid to ſuch as the *Scots* Commiſſioners ſhall appoint, towards the Relief of their Army.

March 4.

The Patent for making of Salt-petre and Gun-powder, was voted Illegal; and the Houſe declared, That any might make Salt-petre and Gunpowder, and ſell the ſame.

Organs.

Sir *John Lamb* was brought upon his Knees at the Commons Bar, for levying Money on People for ſetting up of Organs.

Dr. *Coſins.*

Alſo a Complaint was made againſt Dr. *Coſins*, for cauſing 2000 *l.* to be ſpent in ſetting up of Images, and other Innovations, in the Cathedral of *Durham*; providing an holy *conſecrated Knife*, kept on purpoſe to cut the Communion-Bread.

The Earl of *Warwick* is appointed by the *Scots* Commiſſioners, to receive the 25000 *l.* allowed them.

Strafford.

The Committee concerning the Earl of *Strafford* made a Report to the Houſe, That they thought fit to manage and maintain their Accuſation of High Treaſon againſt him; and not to put in any particular Replication to his Anſwer, for avoiding loſs of time, but to call him ſpeedily to his Tryal.

March 5. Frigats againſt the *Turks.*

Upon a Complaint of ſeveral late Depredations by the *Turks*, a Meſſage was this Day ſent to his Majeſty, humbly to deſire that ſix Frigats might be forthwith put out to Sea, to ſcour the Coaſts, and ſecure the Merchants againſt them; which the King was pleaſed to grant; only whereas the Commons in their Meſſage had deſired, *That Liberty might be given to Adventurers, to ſet forth Ships at their own Charges, and to take what Turkiſh*

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Prizes they could, without giving any account to the King, or Lord Admiral; his Majeſty would have the laſt Words altered to theſe: *Without paying any Duty to the King, or Lord Admiral, leaving the Parties free to diſpoſe of Men, Goods, and Ships, to their beſt Advantage.*

At this time in the Houſe of Lords, the Lord *Andevor* made a motion againſt the Court of *Star-Chamber*, in the briſk Speech following.

My Lords,

The Lord *Andevor*'s Speech againſt the *Star-Chamber*.

SInce your Lordſhips have already looked ſo far into Priviledges of Peers, as to make a ſtrict Inquiſition upon *foreign Honours*, let us not deſtroy *that* among our ſelves, which we deſire to preſerve from Strangers.

And if this Grievance I ſhall move againſt, have ſlept till now, it is very conſiderable, leſt Cuſtom make it every day more apparent than other. Your Lordſhips very well know, that there was a Statute framed, 3 *Hen.* 7. authorizing the Chancellor, Treaſurer, and Privy Seal, and the two Chief Juſtices, calling to them one Biſhop and a Temporal Lord of the King's Council, to receive Complaints upon Bill or Information, and cite ſuch Parties to appear, as ſtand accuſed of any Miſdemeanour; and this was the Infancy of the *Star-Chamber*: But afterwards the *Star-Chamber* was, by Cardinal *Wolſey*, 8 *Hen.* 8. raiſed to Man's Eſtate; from whence (being now altogether unlimitted) it is grown a Monſter; and will hourly produce worſe Effects, unleſs it be reduced by that Hand which laid the Foundation: For the Statutes that are ratified by Parliament admit of no other than a Repeal.

Therefore I offer humbly unto your Lordſhips theſe enſuing Reaſons, why it ſhould be repealed.

Firſt, The very Words of the Statute clearly ſhew, that it was a *needleſs Inſtitution*; for it ſays, They who are to Judge, can proceed with no Delinquent otherwiſe than if he were convicted of the ſame Crime, by due proceſs of Law.

And do your Lordſhips hold this a rational Court, that ſends us to the Law, and calls us to the Law, and calls us back from it again?

Secondly, Divers Judicatories confound one another; *Et in peſſima Republicâ plurimæ Leges.*

The *Third* Reaſon is from Circumſtance, or rather *à Conſuetudine*; and of this there are many Examples, both Domeſtick and Foreign; but more particularly by the Parliaments of *France*, abbreviated into a ſtanding Committee by *Philip* the King, and continued according to his Inſtitution, until *Lewis* XI. came to the Crown; who being a ſubtile Prince, buried the Volumn in the Epitome: For to this Day, whenever the three Eſtates are called, either at the Death of the Old King, or to Crown the New, it is a common Proverb, *Allons voire le ſeu des Eſtats*: My Lords, Arbitrary Judgments deſtroy the Common Laws, and in them the two great Charters of the Kingdom; which being once loſt, we have nothing left but the Name of Liberty.

Then the *Laſt* Reaſon is, (though it was the firſt cauſe of my ſtanding up) The great eclipſe it hath ever been to the whole Nobility; For who are ſo frequently vexed there, as Peers and Noblemen? And notwithſtanding, their Appeal to this Aſſembly, is ever good, whilſt that famous Law, of 4 *Edw.* 3. remains in force, for the holding of a Parliament once a Year, or more, if occaſion require; yet who durſt a Year ago mention ſuch a Statute, without the incurring the danger of Mr. *Kilwert*'s Perſecution? Therefore I ſhall humbly move your Lordſhips, That a ſelect Committee, of a few, may be named, to conſider of the Act of Parliament it ſelf; and if they ſhall think it of as great prejudice as I do, that then the Houſe of Commons, in the moſt uſual manner, may be made acquainted with it, either by Bill or Conference, who alſo haply think it a Burden to the Subject; and ſo when the whole Body of Parliament ſhall join in one Supplication, I am confident his Majeſty will deſire that nothing ſhall remain in force, which his People do not willingly obey.

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Another Speech of the ſame Nobleman, touching the Treaty with the Scots.

My Lords,

The Lord *Andevor's* Speech about the Treaty with the *Scots.*

I Did lately move your Lordſhips, that the Breach of the Pacification might be ſpeedily reviewed, as the *Unum neceſſarium*; and truly my Opinion at that time, is yet nothing altered; although upon better thoughts (methinks) it would firſt be known who did actually engage us in theſe fruitleſs Diſſentions, and ſo derive the Miſchief from ſome Original; for, my Lords, the Kingdom cannot now long ſtand at gaze, or undergo new Burthens.

Wherefore what is to be done (if you intend it ſhould proſper) muſt preſently receive Life from the whole People, otherwiſe we ſhall expire in a Dream; and when the Succeſs differs from Expectation, it is not enough to cry, *Quod non putâram?* My Lords, the Wiſeman ſays, *There is a proper ſeaſon for all things under the Sun*; and we often find the Experiment in Natural Bodies, which are voluntarily weaken'd to recover Strength; yet with a reſtriction of ſuch Bounds and Limits, as the Phyſician preſcribes himſelf: And truly, I think it is your Lordſhips Caſe at this point, either to conſider what ſhould further be done than is already, or elſe how to get out of thoſe Labyrinths we now are in, leſt the Words of the Pſalmiſt come home to our ſelves, *Vendidiſti populum ſine pretio.*

My Lords, I am confident the Houſe of Commons doth throughly ſee, both into the Prejudice and vaſt Expence that theſe two Armies lay upon the Land; and undoubtedly ſo many Gentlemen of Worth, as ſit there, will have tender Eyes upon the Common-weal: It will therefore become your Lordſhips to ſecond them in your way; and whilſt they apply to publick Wounds, the Care of this Houſe may ſearch the Inteſtines: For if they be not cleanſed, it will be but a ſuperficial Cure, and break out again.

My Lords, It ſeems the Earl of *Strafford*, and the Archbiſhop of *Canterbury*, have gone the High-ways of Iniquity, and every one knows how to trace them; but Mines under-ground are moſt conſiderable which (unleſs they be likewiſe found out) may at any time ſpring and ſupplant the whole Fabrick of all our Labours. Let us then examine this fantaſtick War *ab initio*, leſt as the Duke of *Burgundy* made a few *Sheep-Skins* the cauſe of his Quarrel, ſo we ſhall find thoſe Sheets of Paper, ſent under the Name of *a Liturgy* and *Book of Canons*, were but the *Mopſis* of the Story, to divert our Eyes from the main Deſign.

Therefore my humble Motion ſhall be for a ſelected Committee of no great number, who may have Power from the Houſe to begin *ab origine Mali*; reviſe every Man's Negotiations, who was either an Actor or Counſellor ſince the firſt appearance of thoſe Troubles in *Scotland*; and that they may examine the *Scotiſh* Council upon ſuch Articles, as the heavy preſſure of this Kingdom, ſhall upon common Fame adminiſter unto them.

Saturday, March 6. Scots.

Mr. *Hide* reports the Papers delivered by the *Scots* Commiſſioners, for removing of the Gariſons, and demoliſhing the Fortifications of *Berwick* and *Carliſle*; and that the Upper Houſe having taken the ſame into conſideration, and being inclined, that when a firm and ſetled Peace ſhall be eſtabliſhed, all things be reciprocally reduced unto the ſame Terms as before the late *Troubles*. Therefore that all things may be ſetled, that may conduce to a firm Peace, with the leaſt loſs of time that may be, (for the Charge that will neceſſarily follow, is ſuch as this Kingdom cannot bear) their Lordſhips thought fit that the *Engliſh* Commiſſioners do move thoſe of *Scotland*, to ſet down all their particular *Heads* and *Demands* at once together, and conclude the eighth Article wholly, with all convenient ſpeed, which they are inſtructed to propound, for confirming and eſtabliſhing a perfect and ſpeedy Peace; which being done, this Kingdom will ſpeedily take into conſideration the ſetling of all things that may be for their Juſt Satisfaction, if the *Houſe of Commons* ſhall concur herein.

To

An. 1640.

To which the Commons agreed, and that a free Conference be desired with the Lords thereupon.

Forest-Laws.

The Earl of *Holland* signified to the House of Lords, that the King had commanded him to let them know, That his Majesty understanding that the *Forest-Laws* are grievous to the Subjects of this Kingdom, his Majesty, out of his Grace and Goodness to his People, is willing to lay down all the new Bounds of his Forests in this Kingdom; and that they shall be reduced to the same Condition as they were before the late Justices Seat held.

Cosins.

The Charge against Dr. *Cosins* read.

Sibthorp.

Dr. *Sibthorp*'s Sentence dispensed withal, till the Assizes be over.

Strafford.

Resolved, That there shall be no particular Replication put in to the Earl of *Strafford*'s Answer in Writing; but the further Proceedings against him shall be, to averr the Charge of *High Treason*; and that he is guilty in such manner and form, as he stands accused and impeached: And that this House will be ready to prove their Charge against him, at such convenient times, as the Lords shall prefix, and intend to manage their Evidence by Members of their own.

Munday, *March* 8.

Ordered, That the Officers or Billiters of Souldiers, dead or run away, shall be paid to the time of their Death or Departure: And thirty Gentlemen of *York-shire* are to be joyned to the Commissaries for mustering the Army; the whole to be mustered in one Day, to prevent Frauds; and that the Earl of *Crawford*'s Troop of Reformado's, shall have eleven Days pay to discharge their Quarters.

March 9.

The Articles against Dr. *Cosins* ordered to be engrossed.

Plurialists and Non-Residents.

It was this Day moved in the House, That there be a Bill drawn against such as have *Pluralities* of Livings, or are *Non-Residents*; and that no Minister have more than one Living; and if he that hath a Living shall absent himself forty Days, he shall lose it: And that no University-man shall have a Living that is above ten Miles off, unless he live upon it; and that all Ministers that be scandalous in their Lives, or corrupt in their Doctrine, shall be put out.

Clergy.

Mr. *Crew* presents from the Committee for the Ministers Remonstrance, three Heads for the Debate and Consideration of the House, *viz.* 1. Their *secular Imployments*, by which is intended their Legislative and Judicial Power in Parliaments; their Judicial Power in the Star-Chamber, and Commissions for the Peace and their Imployment, as Privy Counsellors at the Council-Table, and Temporal Offices. 2. Their *sole Power in Ecclesiastical Things*, by which is intended Ordination and Censures. 3. The greatness of the *Revenues* of Deans and Chapters, and the little use of them, and the great Inconveniencies thence arising.

The Cessation of Arms continued a Month longer, to commence from the 16th of *March*.

March 11.

The House reassuming the Debate touching the Ministers Remonstrance, and proceeding upon the first of the three Heads, recommended to consideration by that Committee, after a long Debate, came to these Votes:

Votes against the secular Imployments of the Clergy.

Resolved, upon the Question, That the Legislative and Judicial Power of Bishops in the House of Peers in Parliament, is a great hindrance to the discharge of their Spiritual Function, prejudicial to the Commonwealth, and fit to be taken away by Bill; and that a Bill be drawn to that purpose.

Resolved, &c.

That for Bishops, or any other Clergy-man whatsoever, to be in the Commission of the Peace, or to have any Judicial Power in the Star-Chamber,

Chamber, or in any Civil Court, is a great hindrance to the diſcharge of their Spiritual Function, prejudicial to the Commonwealth, and fit to be taken away by Bill; and that a Bill be brought in to that purpoſe. 16 Car.

This Day Dr. *Bray* was ſent for to the Bar of the Houſe of Lords, for having licenſed Dr. *Pocklington's* Books, called, *Sunday no Sabbath*, and, *Altare Chriſtianum*; who ingenuouſly acknowledging his Offence, and that he did not peruſe and examine them with that Caution as he ought, but was ſorrowful for his Errour; and that he was now of a different Opinion concerning the things in thoſe Books, *&c.* He was thereupon by their Lordſhips ſentenced to make a publick Recantation, in a Sermon on *Sunday* come Month next, in the Church at *Weſtminſter*; and the Biſhops of *Durham*, *Lincoln*, and *Carliſle*, appointed to view his Sermon before he preaches it, and to judge whether it be ſufficient for the Recantation intended: And the ſaid Books to be publickly burnt, a Warrant being directed to the Sheriffs of *London* for that purpoſe.

Dr. *Bray* ſentenced for licenſing *Pocklington's* Books.

Mr. *Rigby* reports the Caſe of Mr. *Burton*.

Friday, March 12. Mr. *Burton's* Caſe.

Reſolved, That the four Commiſſioners, Dr. *Duck*, Dr. *Worral*, Dr. *Sams*, and Dr *Wood*, proceeded unjuſtly and illegally, in ſuſpending Mr. *Burton ab Officio & Beneficio*, for not appearing upon the Summons the firſt Proceſs.

Secondly, That the breaking up Mr. *Burton's* Houſe, and arreſting his Perſon without any Cauſe ſhewed, and before any ſuit depended againſt him in the *Star-Chamber*, and his cloſe impriſonment thereupon, are againſt the Law and Liberty of the Subject.

Thirdly, That *John Wragg* hath offended, in ſearching and ſeizing the Books and Papers of Mr. *Burton*, by colour of a General Warrant dormant from the High Commiſſioners; and that the ſaid Warrant is againſt Law, and the Liberty of the Subject; and that Serjeant *Dendy* and Alderman *Abel* have offended, in breaking open the Houſe of Mr. *Burton*, and ought reſpectively to make him Reparations for the ſame.

Reſolved, That Mr. *Burton* ought to have Reparation and Recompence, for Damages ſuſtained by the aforeſaid Proceedings from Dr. *Duck*, &c.

Reſolved, That the Warrant from the Council-Board, dated at *Whitehall*, *Feb.* 2. 1636. for the committing Mr. *Burton* cloſe Priſoner, and the Commitment thereupon is illegal, and contrary to the Liberty of the Subject.

Reſolved, That the Archbiſhop of *Canterbury*, Biſhop of *London*, and the Earl of *Arundel*, the Earl of *Pembroke*, Sir *Henry Vane*, Secretary *Cooke*, and Secretary *Windebank*, do make Reparation to Mr. *Burton* for his *Damages* ſuſtained by this Impriſonment.

The Lords preſs hard to have the Tryal of the Earl of *Strafford* in their Houſe: The Commons return Anſwer, That they impeaching the Earl, of right, may come as a Houſe, but are reſolved however to ſend their own Members as a Committee of the whole Houſe.

A Complaint that the Northern Army was in diſorder for want of *Diſcipline* by *Martial Law*; yet the Commons being tender to yield thereunto, no Order was made. *Saturday, March* 13.

The Lords agree upon *Weſtminſter-Hall* for the place of Tryal, ſaving the right of the Houſe of Lords, and the King ſhall be acquainted with it.

Mr. *Whitlock* reports the King's Aſſent to the Tryal of the Earl in *Weſtminſter-Hall*.

Mr.

An. 1640. *Munday, March* 15.

Mr. *Rouſe* his Speech at the reading the Articles againſt Dr. *Coſins*; as alſo the Articles exhibited againſt him.

Mr. *Rouſe* carries up the Impeachment againſt Dr. *Coſins* to the Lords, where he ſpake as followeth:

My Lords,

I Am commanded by the Houſe of Commons, to preſent to your Lordſhips a Declaration and Impeachment againſt Dr. *Coſins*, and others, upon the Complaint of Mr. *Peter Smart*; which Mr. *Smart* was a *Proto-Martyr*, or firſt Confeſſor of Note, in the late Days of Perſecution. The whole matter is a Tree, whereof the Branches and Fruit are manifeſt in the Articles of this Declaration; which being read, I ſhall with your Lordſhips favour diſcover and lay open the root.

Then the Articles were read, thus:

Articles againſt Dr. Coſins.

1. THat he was the firſt Man that cauſed the Communion-Table in the Church of *Durham* to be removed, and ſet Altar-wiſe; in the erecting and beautifying whereof, he (being then Treaſurer) expended 200 *l.*

2. That he uſed to officiate at the Weſt-ſide thereof, turning his Back to the People.

3. That he uſed extraordinary Bowing to it.

4. That he compelled others to do it, uſing violence to the Perſons of them that refuſed ſo to do: For inſtance, once ſome omitting it, he comes out of his Seat, down to the Seat where they ſate, being Gentlewomen, called them Whores and Jades, and Pagans, and the like unſeemly Words, and rent ſome of their Cloaths.

5. That he converted divers Prayers in the Book of Common-Prayer into Hymns, to be ſung in the Choir, and played with the Organ, contrary to the ancient Cuſtom of that Church.

6. That whereas it had been formerly a Cuſtom in that Church, at the end of every Sermon to ſing a Pſalm, this Cuſtom, when Dr. *Coſins* came thither, was abrogated, and inſtead thereof, they ſung an Anthem in the Choir, there being no Pſalm ſung either at the Miniſters going up into the Pulpit, or at his coming down.

7. That the firſt *Candlemaſs*-day at Night that he had been in that Church, he cauſed three hundred Wax-Candles to be ſet up, and lighted in the Church at once, in Honour of our Lady, and placed threeſcore of them upon and about the Altar.

8. That in this Church, there were Reliques of divers Images, above which were remaining the Ruines of two Seraphims, with the Picture of Chriſt between them, erected in Queen *Mary*'s time, in the time of Popery: All which, when Queen *Elizabeth* came to the Crown, were demoliſhed by virtue of a Commiſſion by her to that intent granted; which ſo continued demoliſhed from that time, 'till Dr. *Coſins* came to that Church; who being Treaſurer, cauſed the ſame to be repaired, and moſt gloriouſly painted.

9. That all the time that he was unmarried, he wore a Cope of white Sattin, never officiating in any other, it being reſerved ſolely for him, no Man except himſelf making uſe thereof, which after Marriage he caſt off, and never after wore.

10. That there was a Knife belonging to the Church, kept altogether in the Veſtry, being put to none but holy Uſes, as cutting the Bread in the Sacrament, and the like, Dr. *Coſins* refuſing to cut the ſame with any other but that, thinking all others that were unconſecrated, polluted;

but

but that which he putting Holineſs in, never termed but the *conſecrated Knife.* 16 *Car.*

11. That in a Sermon preached in that Church, he did deliver certain Words in diſgrace of the Reformers of our Church: For inſtance, the Words were theſe: *The Reformers of this Church, when they aboliſhed the Maſs, took away all good Order; and inſtead of Reformation, made it a Deformation.*

12. That he ſeldom or never, in any of his Sermons, ſtiled the Miniſters of the Word and Sacraments, by any other Name than *Prieſts*, nor the Communion-Table by any other Name than *Altar.*

13. That by his appointment there was a Cope bought, the Seller being a convicted Jeſuit, and afterwards imployed in that Church, having upon it the Picture of the inviſible and incomprehenſible *Trinity.*

14. That whereas it had been formerly a Cuſtom in that Church, at five of the Clock to have Morning-Prayers read Winter and Summer; this Cuſtom, when Dr. *Coſins* came thither, was abandoned, and inſtead thereof was uſed Singing, and playing on the Organs, and ſome few Prayers read, and this was called the firſt Service; which being ended, the People departed out of the Church, returning at nine a Clock, and having then Morning-Prayers read unto them; and this was called Second Service. Which Innovation being miſliked and complained of by Mr. Juſtice *Hutton*, was reformed.

15. That he framed a ſuperſtitious Ceremony, in lighting the *Tapers* which were placed on the *Altar*, which for inſtance was this: A company of Boys that belonged to the Church, came in at the Choir-door, with *Torches* in their Hands lighted, bowing towards the *Altar* at their firſt entrance, bowing thrice before they lighted their *Tapers*; having done, they withdrew themſelves, bowing ſo oft as before; not once turning their back-parts towards the *Altar*, the Organs all the time going.

16. That he counſelled ſome young Students of the Univerſity, to be Imitators and Practiſers of his ſuperſtitious Ceremonies; who to ingratiate themſelves in his Favour, did accordingly; and being afterwards reproved for the ſame, by ſome of their Friends, confeſſed that Dr. *Coſins* firſt induced them to that Practice, and encouraged them therein.

17. That he uſed upon Communion-days to make the ſign of the Croſs, with his Finger both upon the Seats whereon they were to ſit, and the Cuſhions to kneel upon, uſing ſome Words when he ſo did.

18. That one Sabbath-day there was ſet up an unneceſſary company of *Tapers* and *Lights* in the Church; which Dr. *Hunt* being then Dean, fearing they might give Offence, being they were unneceſſary, ſent his Man to pull them down, who did ſo. But Dr. *Coſins* being thereat aggrieved, came to the Fellow, and there miſcalled him in moſt uncivil manner, and began to beat him in the publick view of the Congregation, to the great diſturbance of the ſame.

19. That the Dean and Chapiter of that Church, where Dr. *Coſins* was one, with many others, being invited to Dinner in the Town of *Durham*; Dr. *Coſins* then and there ſpake Words derogating from the King's Prerogative. The Words were theſe: *The King hath no more Power over the Church, than the Boy that rubs my Horſe heels.*

20. That there being many Canons of the ſaid Church preſent at that time, amongſt the reſt there was one took more notice of his Words than the reſt, and acquainted one of his Fellow-Canons with them when he came home: This Canon being a Friend to Dr. *Coſins*, told the Doctor that ſuch a Man exclaimed of him, and charged him with Words that he ſhould ſpeak at ſuch a time: The Doctor preſently ſends for him; and when he came

An. 164°. into the Houſe, the Doctor deſires him to follow him into an inner Room, who did ſo: but as ſoon he came in, the Doctor ſhuts the Door, and ſets both his Hands upon him, calling him Rogue and Raſcal, and many other Names: Inſomuch, that the man fearing he would do him miſchief, cryed out. Mrs. *Coſins* coming in, endeavoured to appeaſe her Husband, and holding his Hands, the other ran away.

21. That the Doctor did ſeek many unjuſt ways to enſnare this Man, that ſo he might take a juſt Occaſion to put him out of his place: but none of them taking effect, he put him out by Violence, having no other Reaſon why he did ſo, but becauſe he had no good Voice, when he had ſerved the Place two years before Dr. *Coſins* came thither: For inſtance of which unjuſt ways to enſnare this man, Doctor *Coſins* hired a Man and a Woman to pretend a deſire of Matrimony, and to offer a Sum of Money to this Petty-Canon to contract Matrimony between them in a private Chamber; ſo thereupon to take advantage of his Revenge upon him.

Which Articles being read, Mr. *Rouſe* proceeded thus:

My Lords,

I Am now to diſcover the Root of Mr. *Smart*'s Perſecution. Your Lordſhips have heard of a great Deſign to bring in Popery; you have heard of Armies, of Soldiers, and particularly of the Popiſh *Iriſh* Army, the Burthen and Complaint of the Commons. But there is another Army not ſo much ſpoken of; and that is, an Army of Prieſts: For ſince Altars came in, ſo they delight to be called. It is a ſaying of *Gregory* the Great, That when Antichriſt comes, *Præparatus eſt Exercitus Sacerdotum*, there is an Army of Prieſts to receive him: This is fulfilled in our time: For certainly this Army of Prieſts doth many ways advance the Deſign and Plot of Popery. A firſt is by the ſubverſion of our Laws and Government: Our Laws and Popery cannot ſtand together; but either Popery muſt overthrow our Laws, or our Laws muſt overthrow Popery. But to overthrow our Laws, they muſt overthrow Parliaments; and to overthrow Parliaments, they muſt overthrow Property; they muſt bring the Subjects Goods to be Arbitrarily diſpoſed, that ſo there may be no need of Parliaments: This hath been done by Doctor *Maynwaring*, (whom we find wanting, yet not in the *Seats*, but at the Bar of the Lords Houſe) and the like by Doctor *Beale*: And I think it was the Intention of the late Canons.

A ſecond way, by which this Army of Prieſts advanceth the Popiſh Deſign, is the way of Treaty. This hath been acted both by Writings and Conference. *Sancta Clara* himſelf ſaith, *Doctiſſimi eorum quibuſcum egi*; So it ſeems they have had Conferences together: And *Sancta Clara*, on his part, Labours to bring the Articles of our Church to Popery; and ſome of our ſide ſtrive to meet him in that way. We have a Teſtimony, that the great Arch-Prieſt himſelf hath ſaid, *It were no hard matter to make a Reconciliation, if a wiſe Man had the handling of it.* But I verily believe, that as the State of Papacy ſtands, a far wiſer Man than he cannot reconcile us without the loſs of our Religion. For the Pope being faſtned to his Errors, even by his Chair of In-errability, he ſits ſtill unmov'd, and ſo we cannot meet, except we come wholly to him. A Man ſtandeth in a Boat tyed to a Rock, when he draws the Rope, doth not draw the Rock to the Boat, but the Boat to the Rock. And *Sancta Clara* doth (in this ſomewhat honeſtly) confeſs it; for he ſaith, that he dealt in this way of Treaty, not to draw the Church to the Proteſtants; but the Proteſtants to the Church.

A third way is a way of *Violence*; this Violence they exerciſe partly by *Scolar Arms*, and partly by *Prieſtly Arms*, which they call Spiritual. For *Scolar Arms* we have their own Confeſſion, that the late War was *Bellum Epiſcopale*; and we have the Papiſts Confeſſion, that it was *Bellum Papale*; for in their Motives, they ſay, *That the VVar concerns them, not only as Subjects, but as Catholicks*; for ſo they falſly call themſelves: and if it be ſo, then *Bellum Epiſcopale*

16 Car.

is alſo *Bellum Papale* : In the *Epiſcopal War*, the Papal Cauſe is advanced for the Spiritual Arms. Thus they come to execution.

When a Great Man is coming, his Sumpters, his Furniture, his Proviſions go before: The Popes Furniture, Altars and Copes, Pictures and Images are come before; and (if we believe Doctor *Coſins*) the very ſubſtance of the Maſs; a certain Sign that the Pope was not far off. Now theſe Fore-runners being come, if any Man reſiſt them, Fire comes out of the Brambles, and devours the Cedars of *Lebanon*; the Army of the Prieſts falls upon him with their Arms of *Suſpenſion*, *Sequeſtration*, *Excommunication*, *Degradation*, and *Deprivation*. And by theſe Arms hath Mr. *Smart* been oppreſſed and undone: He falls upon their Superſtitions and Innovations; and they fall upon him with their Arms, they beat him down, yea they pull him up by the Roots, taking away all his means of Maintenance and Living; yet they leave him Life to feel his Miſeries. *Ita feriunt, ut diu ſe ſentiat mori*: There is no Cruelty to Prieſtly Cruelty: Theſe are they that did put our Saviour to death: The Calling is Reverend, but the Corruption of it moſt pernicious, *Corruptio optimi peſſima*. I know no reaſon of this Change, except it be that of the Apoſtle, becauſe when they *knew God, they did not worſhip him as God*, but made a God of the World, placing the Excellency of Prieſthood in worldly Pomp and Greatneſs, and gave the Glory of the Inviſible God to Pictures, Images and Altars, therefore God gave them up to vile Affections, to be implacable, unmerciful, and without natural Affection. But whatſoever is the Cauſe of their Corruption, certainly their Arms have fallen heavily upon Mr. *Smart*; and Prieſtly Cruelty hath caſt him into a long Miſery; from which he could get no Releaſe by any Prieſtly Mercy.

And now it is prayed, That as theſe Delinquents, by the cruel Oppreſſions of Mr. *Smart*, have advanced the Cauſe of Popery, ſo they may in ſuch a degree of Juſtice be puniſhed; that in them Prieſtly Cruelty, and the very cauſe of Popery may appear to be puniſhed and ſuppreſſed; and that Mr. *Smart*, ſuffering for the Cauſe of Proteſtancy, may be ſo repaired, that in him pious Conſtancy, and the very cauſe of Proteſtancy may appear to be righted and repaired.

March 16. Papiſts to be removed from Court.

The Lords and Commons agree to Petition his Majeſty for removal of *Papiſts* from Court; and particularly named Sir *Kenelme Digby*, Sir *Toby Matthews*, Sir *John Winter*, and Mr. *Montague*, as Perſons very dangerous and obnoxious.

Strafford.

It was concluded, That the Tryal of the Earl of *Strafford* ſhall begin on *Monday* next in *Weſtminſter-Hall*; and ordered that Scaffolds be erected there for that purpoſe; the Houſe of Commons to be there as a Committee of the whole Houſe; the Earl to be allowed Council for matter of Law; and the Lords to judge what is matter of Law.

The Lords of the Great Council at *York*, for Vindicating their own Honour, diſclaim what is inſinuated in the Earl of *Strafford*'s Anſwer to the Seventeenth Article, of their having an Hand in impoſing a Tax on his Majeſty's Subjects in the County of *York* to maintain the Train'd-bands of that County, and the levying thereof by Force, and affirmed the ſame to be unjuſtly charged upon them.

March 18. Thanks for Petitioning for a Parliament.

By an Order of the Houſe of Peers, the Petition of ſeveral of the Lords, preſented to his Majeſty at *York*, for convening a Parliament, was brought in, and openly read; and *Reſolved*, That for the Honour of the Lords Petitioners, their ſaid Petition be recorded in the Journal of this Houſe, with their Names thereunto; and that it be eſteemed as the Act of this Houſe; and this Houſe doth give them thanks for the ſame. Which was done accordingly; having receiv'd before the like Approbation and Acknowledgment in the Houſe of Commons.

Tonnage and Poundage.

The Houſe of Commons fell upon the Conſideration of the Payment of Tonnage and Poundage; and voted, That a Bill be brought in for the granting of Tonnage and Poundage to his Majeſty for three Years.

An. 1641. *March* 19. An Information againſt Mr. *Richard Perrot*, for Words preached in a Sermon at *Kingſton* upon *Hull*.

Convocation. Ordered, *That Mr. Treaſurer, and Mr. Comptroller move his Majeſty to grant a Commiſſion to the Convocation to treat about the granting of Subſidies by the Clergy.*

No Proxies in caſe of Blood. In the Lords Houſe, the Committee, appointed to conſider, Whether Proxies ſhould be uſed in Caſes of Blood; Report, That they are of Opinion, That thoſe Lords that have Proxies of Lords abſent, ſhall in this Caſe of the Earl of *Strafford*, forbear to make uſe of them, ſaving to them their Rights. Alſo they were of Opinion, That thoſe that voted in the Houſe of Commons, and are ſince made Peers, may vote as Judges here in this Houſe in the ſame Caſe: And further deſired, That the Biſhops might ſhew Reaſons why they ſhould not likewiſe forbear giving Proxies in the ſaid Caſes.

Which being taken into Conſideration, the Houſe did order, That their Lordſhips do hold it fit, That for this time in this Caſe, thoſe Lords that have Proxies ſhall make no uſe of them, ſaving to themſelves the Rights of Peers. And the Biſhops did declare, That they would not make any Procurator for themſelves, with the like *Salvo*.

March 20. Moſt of this day was ſpent by the Commons in Preparation for the Earl of *Strafford*'s Tryal.

Scandalous Miniſters. The Committee for Scandalous Miniſters ordered to prepare a Bill againſt ſuch Miniſters, and to conſider of Commiſſions to be ſent down unto the ſeveral Counties to examine Scandalous Miniſters.

Michaelmaſs Term. The Bill for ſhortning *Michaelmaſs* Term Ingroſſed.

Members appointed to attend at the Doors where they come in, at the Tryal of the Earl of *Strafford*, and the Serjeant at Arms to be Aſſiſtant.

That the Houſe ſit in the Afternoons, and meet at Two of the Clock.

Mr. *John Craven* lends 1000 *l.* for the uſe of the *Northern* Parts.

Munday, March 22. *Strafford*'s Tryal begins. This Day began the Tryal of the Earl of *Strafford* in *Weſtminſter-Hall*, where the Houſe of Commons were preſent from day to day whilſt it laſted, as a Committee of the whole Houſe, and only ſat in the Commons Houſe in the Afternoons; ſo that there was not for ſeveral days much other matter tranſacted.

The Author's Reference touching *Strafford*'s Tryal. For the particulars of that famous Tryal (too tedious here to be inſerted) the Reader is referred to the Book in Folio thereof ſometime ſince publiſhed by the Author of theſe Collections, who was preſent during the whole Proceedings, and exactly took the ſame in Characters.

In the Afternoon, the Commons repairing to their Houſe, took into further conſideration the Buſineſs of the Miniſters Remonſtrance; and *Reſolved*,

Clergy to have no Secular Imployments. 1. That for Biſhops, or any other Clergymen whatſoever, to have Imployment as Privy-Counſellors at the Council-Table, or as private Officers, is an hindrance to the diſcharge of their Spiritual Function, and a Prejudice to the Commonwealth, and fit to be taken away by Bill, and that a Bill be brought in accordingly.

2. That the Committee for the Miniſters Remonſtrance ſhall have Power to hear all ſuch Miniſters as have deſired to be heard upon that Point, of the ſole Power of Biſhops in Ordination and Cenſures, if they ſhall deſire it, and to hear ſuch others as they ſhall think fit

The

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The Houſe ordered to meet to morrow in *Weſtminſter-Hall*, and to ſit at Two in the Afternoon.

March 23. Report from the Lords.

Poſt meridiem— Mr. *Pierpoint* Reports the Conference with the Lords, and that they are ready to concur in what ſhall be for the Good of the Kingdom: And further reports,

That the Obſtruction in the City to part with Money, is the Apprehenſion of unquiet and dangerous times; yet that it cannot be conceived but that there is Money in the Kingdom, and City too, but men keep up their Wealths to ſerve their turns in times of danger; yet the ſecurity upon the Act of Subſidies might be a credit to get Money, if the Treaty with the *Scots* may be concluded; and that the Lords will be ready to join with the Houſe for the redreſs of Grievances.

The *Londoners* will not lend Money.

The Buſineſs of Mr. *Burton* coming again into conſideration, it was *Reſolved*, That the Sentence in the Star-Chamber againſt Mr. *Burton* is Illegal, and without any juſt Ground, and ought to be reverſed, and he ought to be freed from the Fine of 5000 *l.* and Impriſonment impoſed by the ſaid Sentence, and to be reſtored to his Degrees taken in the Univerſity, Orders in the Miniſtry, and to his Eccleſiaſtical Benefice in *Friday-ſtreet*, *London*.

March 24. *Burton.*

That the Order of the Council board for transferring the ſaid Mr. *Burton* from the Caſtle of *Lanceſton* to the Iſle of *Guernſey*, and impriſoning him there, are againſt the Law and Liberty of the Subject. That the ſaid Mr. *Burton* ought to have Reparation and Recompence for the Damages ſuſtained by the ſaid Impriſonment, loſs of his Ears, and other Evils ſuſtained by the ſaid unjuſt and illegal Proceedings.

1641.

A Committee from both Houſes, Six Lords and Twelve Commoners ſent into *London* to advance 100000 *l.* upon the Credit and Security of the Subſidy-Bills.

March 25. *P. M.*

Theſe days were taken up in the Tryal of the Earl of *Strafford*.

March 26 and 27, and *Munday* 29.

This day three Bills were brought into the Houſe of Commons, and read, *viz.*

March 30. Goſpel.

A Bill for the more free paſſage of the Goſpel.

Privy-Council and Star-Chamber.

A Bill for reforming of the unlawful Acts of the Privy-Council, and the Court called the Star-Chamber.

Biſhops and Clergy-men.

A Bill to reſtrain Biſhops, and others in Holy Orders, from intermeddling with Secular Affairs.

March 31. No Money from the City.

Mr. *Recorder* reports, That he, with others, had attended the City, but no Money could be had; they were no conſtituted Body to any ſuch purpoſe, nor able to make Laws for the lending of Money, they could but perſwade, and not compel.

During this Month the Parliament of *Ireland* was ſitting, where the Lord Chancellor of that Kingdom, and ſeveral Judges, were impeached by the Commons, and ſeveral Grievances voted to be tranſmitted to their Committee in *England*, then attending his Majeſty in order to obtain the ſame redreſſed.

An. 1641.

A Speech made before the Lords in the Upper Houſe of Parliament in Ireland, March 4. 1640. *by Capt.* Audley Mervin, *at the Impeachment of Sir* Richard Bolton, *Kt. Lord Chancellour*; John *Lord Biſhop of* Derry, *Sir* Ger. Lowther, *Lord Chief-Juſtice of His Majeſty's Court of* Common-Pleas; *and Sir* George Ratcliff, *Kt.*

My Lords,

'I Am commanded by the Knights, Citizens and Burgeſſes of the *Commons* Houſe, to preſent unto you *Ireland*'s Tragedy; the Gray-headed Common Laws Funeral; and the Active Statutes death and Obſequies.

'This dejected *Spectacle* anſwers but the prefiguring *Type* of *Cæſar*'s murther, wounded to death in the *Senate*, and by *Brutus* his boſom Friend. Our *Cæſar*'s Image by reflection, even the Fundamental *Laws* and *Statutes* of this Kingdom, the ſole means by which our Eſtates are confirmed, our Liberties preſerved, our Lives ſecured, are wounded to death in the *Senate*, I mean in the Courts of Juſtice, and by *Brutus* too, even by thoſe Perſons that have received their Beings and Subſiſtence from them: So that here enters firſt thoſe inſeparable *Twins*, *Treaſon*, and *Ingratitude*.

'In a plain Phraſe (*My Lords*) I tender unto you *Treaſon*, *High-Treaſon*, ſuch a *Treaſon*, that wants nothing but Words to expreſs it.

'To counterfeit the King's Seal, to counterfeit the King's Money, it is *Treaſon*; but this dies with the individual Party: to betray a Fort is *Treaſon*; but it dies with a few men.

'To betray an Army is *Treaſon*; but it dies with a limited Number; which may be reinforced again by *Politick Induſtry*: to blow up both *Houſes* of *Parliament*, is *Treaſon*; but ſucceeding Ages may replant Branches by a fruitful *Poſterity*: but this *High-Treaſon*, by which I do now again in the name of the *Houſe* of *Commons*, charge and impeach Sir *Richard Bolton* Knight, Lord Chancellor of *Ireland*, and Sir *Gerard Lowther*, Kt. Lord Chief Juſtice of the Common-Pleas; *John*, Lord Biſhop of *Derry*, and Sir *George Ratcliff*, Kt. in its nature ſo far tranſcends any of the former, that the reſt ſeem to be but *Petty Larcenies* in reſpect of this.

'What is it to ſubvert the Fundamental Laws of this Kingdom? *High-Treaſon*. What is it with a Contumacious malice to trample under feet the rich Legacies of our *Fore-Fathers*, purchaſed with ſweat and expence, I mean the Statute Laws? *High-Treaſon*. What is it, through an Innate Antipathy to the Publick Good, to incarcerate the Liberty of the Subject under the Iron and weighty Chains of an Arbitrary Government? *High-Treaſon*! What is it, ſince his Majeſty is the amiable and delightful Pourtraiture of flouriſhing and indulgent Juſtice to his Subjects, to repreſent him perſonated in their extrajudicial Cenſures and Judgments; but to poſſeſs (if poſſible) the hearts of his Loyal Subjects of this Kingdom, that he is a bloody and devouring *Tyrant*, and to provoke their never dying Allegiance into a deſperate and fatal Rebellion? What is it to violate the Grants of many of his Majeſty's Progenitors, Kings and Queens of *England*, confirmed under the Broad-Seal, being the publick Faith of this Kingdom by an extrajudicial Breach, grounded upon no Record? What is it to inſert a ſurreptitious Clauſe, forged by ſome ſervile Brain, in the *Preamble* of our laſt Act of *Subſidies*; by which the King's moſt excellent *Majeſty*, and the Earl of *Strafford* are placed in one and the ſame Sphere, allowing them but equal Influences to nouriſh the

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'*Allegiance* of this Kingdom. What is this but to extol other than Regal 'Authority; and to crucifie the Majeſty of our *Sovereign* between the 'two Thieves of Government, *Tyranny* and *Treaſon*?

'*My Lords*, having ſuch a full and ruſhing Gale to drive me into the 'depth of theſe occaſions, I can hardly ſteer and confine my Courſe 'within the compaſs of *Patience*, ſince I read in the firſt Volume of 'their Brows, the leaſt of theſe to be the certain ruin of the Sub-'ject; and if proved, a moſt favourable *Prologue* to uſher in the *Tragedy* 'of the *Actors*, *Counſellors* and *Abettors* herein: What was then the firſt 'and main Queſtion? It was the ſubverſion of the Fundamental Laws of 'this Kingdom. Let then *Magna Charta* that lies proſtrated, be-'ſmeared and groveling in her own Goar, diſcount her Wounds, as ſo 'many pregnant and undeniable Proofs. Mark the *Epithete Magna*, 'Κατ' ἐξοχὴν, confirmed by Thirty *Parliaments* in the ſucceſſion of 'Eighteen Kings, the violation of which hath ſeveral times engaged the 'Kingdom of *England* in a voluntary Sacrifice; a *Charter* which impoſeth 'that pleaſant and well becoming Oath upon all Sovereignty, to vin-'dicate and preſerve the Immunity thereof before the Crown incircle the 'Royal Temples in this Oath of ſo high conſequence and general Inte-'reſt, his Majeſty doth in a manner levy a Fine to his Subjects uſe, for 'avoiding all fraudulent Conveyances in the Adminiſtration of Juſtice: and 'this Oath is tranſplanted unto the Judges, as Feoffees in truſt, appoint-'ed between his Majeſty and the Subject, and ſealed by his Majeſty's 'provident care, with that Emphatical Penalty, that their Eſtates and 'Lives ſhall be in the King's Mercy, upon the violation of the ſame, 'either in whole or in part: Neither hath the deſerved puniſhment for the 'breach of this Oath, been enacted, as Bugbears to enforce the Obedience 'of Children.

'No, *My Lords*, the juſt Execution of it upon their Predeceſſors, tho 'in breaches not ſo Captital, might have warned them to have ſtrangled 'their ill-born Reſolutions in the Cradle, before they ſhould more pro-'claim their Infamy, and petition for their puniſhment.

'Witneſs Sir *Thomas Wayland* his Baniſhment, Confiſcation of his *Goods* 'and *Lands*, only for his *mercenary Juſtice* contrary to his *Oath*, who was 'Chief Juſtice of the *Common Pleas*, in the time of *Edward* 1.

'Witneſs Sir *William Thorp*, Chief Juſtice of the *King's Bench* in the time 'of *Ed.* 3. who was adjudged to be hanged, becauſe he had broken the '*King's Oath* made unto the *People*, wherewith he was entruſted; for ſo 'was the interpretation of the reaſon entred in the *Roll*.

'Yet, *My Lords*, though *Magna Charta*, be ſo ſacred for *Antiquity*; 'though its Confirmation be ſtrengthned by *Oath*, though it be the proper 'Dictionary that expounds *meum* and *tuum*, and aſſigns every Subject his '*Birthright*, it only ſurvives in the *Rolls*, but is miſerably rent and torn 'in the *Practice*.

'Theſe Words, *Salvo Contenemento*, live in the *Rolls*, but they are dead 'in the *Star-Chamber*.

'Theſe Words, *Nullus homo liber diſſeiſietur de libero ſuo tenemento niſi 'per judicium parium*, live in the *Rolls*, but they are dead where Pro-'perty and Free-hold are determined by Paper Petitions: Theſe 'Words, *Nulli vendemus*, *nulli differemus Juſtitiam*, live in the *Rolls*, but 'are dead when the Suits, Judgments, and Executions of the Subjects 'are wittingly or illegally retarded, ſuſpended and avoided: Shall we 'deſire to ſearch the mortal Wounds inflicted upon the Statute-Laws? 'Who ſees them not lying upon their Death-beds, ſtabb'd by Proclama-'tions, their Primitive and Genuine Tenures eſcheated by Acts of State, 'and ſtrangled by *Monopolies*? Will

An. 1641.

'Will you ſurvey the Liberties of the Subject? every Priſon ſpews 'out illegal Attachments and Commitments; every Pillory is dyed with 'the forced Blood of the Subjects, and hath *Ears*, though not to hear, 'yet to *witneſs* this Complaint. Do you doubt of the defacement of 'the amiable Offices of his Maieſty's moſt tranſplendent, and renowned 'Juſtice and Grace? Let then that Microcoſm of Letters Patents, con- 'firmed under his Majeſty's and his Predeceſſors Broad-Seal of the King- 'dom, being the publick Faith thereof, and yet unchriſtned by frivolous 'and private Opinions, riſe up in Judgment. Let the abortive Judgment of 'the Tenure *in Capite*, where no Tenure was expreſt; nay, let the Heretical 'Trayterous Opinions, where the Tenure was expreſt, yet to draw in 'all by Markets and Fairs, granted in the ſame Patents, riſe up in Judg- 'ment.

'What Glaſs hath this unhappy divided Kingdom from his Majeſty's 'Preſence and Audience to contemplate the fair and raviſhing Form of 'his Royal Intentions in, but in the clear and diaphanous adminiſtration 'of his Juſtice? And what do theſe trayterous and illegal Practices aim 'at, but in affront to his Majeſty, (which we moſt tenderly reſent) and 'diſcontent to his Subject, to multiply, as by a Magick Glaſs, the Royal 'Diſpenſation of his Favours, into the ugly and deformed viſage of their 'ſuppreſſion of the Liberties, Devaſtation of Eſtates, and deprivation of 'the lives of his loyal Subjects; ſo that it may be ſaid, *Regali capiti cervicem 'conſul equinam jungere ſic vellet variaſque inducere plumas.*

'*My Lords*, theſe ought to be conſidered with as ſerious and attentive 'an Ear, as they were practiſed by miſchievous Experiments. Inquire of 'the *Netherlands* why their Fields are grown fertile by the Inundation 'of Blood; why the penſive Matrons ſolemnize too too frequent Fu- 'nerals of their Husbands and Iſſue, and they will anſwer, That it was 'for the Preſervation of their Laws, which Tyranny would have inno- 'vated. This Kingdom perſonated in the Sable Habit of a Widow, with 'diſhevell'd Hairs, ſeems to petition your Lordſhips, that ſince ſhe is 'a Mother to moſt of us, yet certainly a Nurſe unto us all, that 'you would take ſome Order for a redreſs of her Tyrannical Op- 'preſſions.

'Theſe Perſons impeach'd, reſemble the opacous Body of the Earth, 'interpoſed to eclipſe that Light and Vigour, which the Solar Aſpect of 'Majeſty would communicate unto his Subjects.

'They imitate the Fiſh *Sepia*, that vomits a dark Liquor out of her 'Mouth, to cloud the Waters for her ſecuret eſcape.

'They are thoſe to whom the Keys have been committed, yet they 'have barred the Door to them that knock'd.

'They are thoſe unnatural Parents, that give their Children Stones in- 'ſtead of Bread, and Scorpions for Fiſh.

'Was it to this purpoſe that the Royal Authority ſituated them 'in theſe eminent places, that, like Beacons upon high Hills, they 'ſhould diſcover and proclaim each Innovation and Stratagem againſt the 'publick Weal; whilſt they, in the mean time, imploy their Fires to a 'publick Incendiary, or like *Ignes fatui*, ſeduce the eaſie and believing 'Travellor into Pits and unexpected Mires?

'Were they ſworn to ſeal their Damnation, and not the confirmation 'of our Liberties, Eſtates, and Lives? Shall a Man be cenſured for Per- 'jury in that Breach of his private Faith, and theſe be juſtifiable in Trea- 'ſon, aggravated by Perjury againſt the Crown and publick Faith of the 'Kingdom? No, *My Lords*, your grave, judicious, and mature examination, 'and deſerved puniſhment of theſe trayterous Proceedings will ſpeak their

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'times as glorious to Poſterity in their Reformation, as now they are 'lamented in their Perſecution.

'The Blood-thirſting Sword of an hoſtile Enemy by a timely Union and 'a defenſive Preparation may be prevented. The *thin rib'd Carcaſe* of an 'Univerſal Famine may have his Conſumption reſtored by a ſupply from 'our neighbouring Nations.

'The quick-ſpreading venom of an infectious peſtilence may be pre-'vented by Antidotes, and qualified by phyſical Remedies: but this Ca-'tholick grievance, like a Snake in the moſt verdant Walks, (for ſuch 'are the unblemiſh'd Laws truly practiſed) ſtings us to death when we are 'moſt ſecure, and, like the King's-evil, can only be cured, by his Ma-'jeſty's free and gracious permiſſion, of our modeſt and gentle Proceed-'ings for his vindication, and our Preſervation therein included.

'*Spencer* and *Gaveſton*, who have left their Names monumentally odi-'ous, for the evil Counſel they fed the King's Ears with, yet did poſſi-'bly advance their own Friends; whilſt theſe dart their Envy and Treaſon as 'from a common Center, equally touching the Bounds of every Superficies: 'For as concerning the valid Eſtates, they have illegally overthrown them; 'when by your Lordſhip's induſtry the Laws receive their Vigour, they 'will reſume their Confirmation. But the Eſtates happily in themſelves 'legal, that they have in an extrajudicial Form eſtabliſhed, will haſt as 'ſpeedily to their Diſſolution; ſo, that, *Judas* like, they betrayed their 'beſt Friends with a Kiſs.

'*My Lords*, I cannot find in any ſurviving Chronology of times, 'this Seaſon, to be parallell'd with all Circumſtances: which makes me 'view the Records amongſt the infernal Spirits, to find if, match'd 'there, I might extenuate their Facts, where firſt they appear like the 'falſe Spirit, ſent into the Mouth of the Prophets of *Achab*, to ſpeak 'Deluſions to ſubvert the Hoſt of God.

'The moſt vehement and traiterous Encounter of Satan, is lively decy-'phered in the true example of *Job*; where firſt I obſerve the diſanalo-'gy; he overthrows not *Job*'s *Magna Charta*, he diſſeizes him not of his In-'heritance, nor diſpoſſes him of his Leaſes, but only diſrobes him of ſome 'part of his perſonal Eſtate: When he proceeds to infringe *Job*'s Liberty 'he doth not pillory him, nor cut off his Ears, nor bore him through the 'Tongue; he only ſpots him with ſome Ulcers: Here Satan ſtays, when 'theſe Perſons, by their traiterous Combinations, envy the very Blood 'that runs unſpilt in our Veins; and by obtruding bloody Acts, damn'd 'in the laſt Parliament, will give Satan Size-ace and the Dice, at *Iriſh*, in 'enthralling the Lives of the Subjects, by their arbitrary Judicature. I 'would not, my Lords, be underſtood to impute unto Judges an Infalli-'bility, nor in impeaching theſe, to traduce thoſe, whoſe Candour and In-'tegrity ſhine with a more admired luſtre, than their white Furrs, who, 'like Trophies of Virgin-Juſtice, ſtood fix'd and unmov'd in the rapid 'Torrent of the Times, while theſe like Straws and Chips play'd in the 'Streams, until they are devolved in the Ocean of their deſerved Ruine. 'No, my Lords, *Humanum eſt errare*; and the Law allows Writs of Er-'rour, and Arreſts of Judgment; but where there is *Craſſa ignorantia*, a-'gainſt their Oaths, againſt the fundamental, elementary, and known 'Laws of the Kingdom; nay, my Lords, where it is rather *Præmeditata 'malitia*, where there is an emulating Policy, who ſhould raze and embe-'zel the Records in the practick, that are for the tender preſervation of 'our Liberties, Eſtates, and Lives, ſeeking only to be glorious in a Natio-'nal Deſtruction, as if their Safety were only involved in our Ruine, there 'I [illegible] mand to pity, but not to excuſe them.

An. 1641.

'To kill a Judge, *Quatenus* a Judge, is not Treaſon; but to kill a Judge 'ſitting on the Bench, is Treaſon; not for that the Law intends it out of 'any Malice againſt the Party, but for the Malice againſt the Law; Where 'then can an intenſive or an extenſive Malice be more expreſt or employed 'againſt the Law, than the practical Dialect of theſe Perſons impeached, 'ſpeaks with a known and crying accent.

'The *Benjamites* ſlung Stones with their left Hands, yet they would 'not miſs an Hair's breadth: Theſe extrajudicial proceedings are ſlung 'with the left, I mean they are ſiniſtrous, and imprint their black and 'blue Marks more certain and more fatal; ſo that they may ſay, *Quæ regio 'in Terris noſtri non plena laboris?* 'Though theſe things be familiar unto 'us, yet I cannot but admire how this unproportionable Body of Judica-'ture, ſhould ſwell up into ſuch a vaſt and ulcerous dimenſion.

'But why ſhould I? conſidering this excentrick motion of the Body 'of the Law, had his Birth obſcure, reſembling the Tares that were 'ſowed in the Night-time: But here is the difference, they were ſown by 'the Enemy in the abſence of the Maſter; but theſe are ſown by the grand 'Maſters themſelves purpoſely, to overtop and choak the expected 'Harveſt.

'Innovations in Law, and conſequently in Government, creep in like 'Hereſies in Religion, ſlowly and ſlily, pleading in the end a ſawcy and 'corrupt Legitimacy, by uncontrouled Preſcription.

'My Lords, this is the firſt ſitting; and I have only chalked out this 'deformed Body of High Treaſon; I have not drawn it at length, leſt it 'might fright you from the further view thereof.

'In concluſion, It is the humble deſire of the Commons, that the Par-'ties impeached may be ſecured in their Perſons, ſequeſtred from this Houſe, 'from the Council-Table, and from all Places of Judicature (as being '*Civiliter mortui*) that they may put in their Anſwers, to the Articles 'ready now to be exhibited againſt them, and that all ſuch further pro-'ceedings may be ſecretly expedited, as may be ſuitable to Juſtice, and the 'Precedents of Parliaments, ſo his Majeſty may appear in his triumphant 'Goodneſs and Indulgence to his People, and his People may be raviſh-'ed in their dutiful and cheerful Obedience and Loyalty to his Maje-'ſty. Your Lordſhips may live in Records to Poſterity, as the inſtrumen-'tal Reformers of theſe corrupted Times, and the Kingdom and Com-'monwealth may pay an amiable Sacrifice in Retribution and Acknowledg-'ment of his Majeſty's multiplied Providence for our Preſervation herein.

Articles

16 Car.

Articles of the Knights, Citizens, and Burgeſſes in Parliament aſſembled, againſt Sir Richard Bolton, *Lord Chancellor of* Ireland, John *Lord Biſhop of* Derry, *Sir* Gerard Lowther *Kt. Lord Chief Juſtice of His Majeſty's Court of Common-Pleas, and Sir* George Ratcliffe *Kt. in maintenance of their Accuſation, whereby they ſtand charged with High Treaſon.*

1. THat the ſaid Sir *Richard Bolton* Kt. Lord Chancellor of *Ireland*, *John* Lord Biſhop of *Derry*, Sir *Gerard Lowther* Kt. Lord Chief Juſtice of his Majeſty's Court of Common-Pleas, and Sir *George Ratcliffe* Kt. intending the Deſtruction of this Realm, have traiterouſly conſidered and conſpired together, to ſubvert the fundamental Laws and Government of this Kingdom; and in purſuance thereof, they and every of them have traiterouſly contrived, introduced and exerciſed an arbitrary and tyrannical Government againſt Law, throughout this Kingdom, by the Countenance and Aſſiſtance of *Thomas* Earl of *Strafford*, then Chief Governour of the Kingdom.

2. That they and every of them, the ſaid Sir *Richard Bolton* Kt. Lord Chancellor of *Ireland*, *John* Lord Biſhop of *Derry*, Sir *Gerard Lowther* Kt. Lord Chief Juſtice of his Majeſty's Court of Common-Pleas, and Sir *George Ratcliffe* Kt. have traiterouſly aſſumed to themſelves, and every of them, Regal Power over the Goods, Perſons, Lands, and Liberties, of his Majeſty's Subjects of this Realm; and have likewiſe maliciouſly, perfidiouſly, and traiterouſly given, declared, pronounced, and publiſhed falſe, unjuſt, and erroneous Opinions and Judgments, Sentences and Decrees, in extrajudicial manner againſt Law; and have perpetrated, practiſed, and done many other traiterous and unlawful Acts and Things, whereby as well divers Mutinies, Seditions, and Rebellions have been raiſed; as alſo many thouſands of his Majeſty's Liege People of this Kingdom, have been ruined in their Goods, Lands, Liberties, and Lives: And many of them being of good Quality and Reputation, have been utterly defamed by Pillory, mutilation of Members, and other infamous Puniſhments; by means whereof, his Majeſty and the Kingdom have been deprived of their Service in Juries and other publick Employments, and the general Trade and Traffick of this Iſland, for the moſt part deſtroyed, and his Majeſty highly damnified in his Cuſtoms and other Revenues.

3. That the ſaid Sir *Richard Bolton*, *John* Lord Biſhop of *Derry*, Sir *Gerard Lowther*, and Sir *George Ratcliffe*, and every of them, the better to preſerve themſelves and the Earl of *Strafford* in theſe and other traiterous Courſes, have laboured to ſubvert the Rights of Parliaments, and the ancient Courſe of Parliamentary Proceedings: All which Offences were contrived, committed, perpetrated, and done at ſuch times as the ſaid Sir *Richard Bolton*, Sir *Gerard Lowther*, and Sir *George Ratcliffe* Knights, were Privy Counſellors of State within this Kingdom, and againſt their and every of their Oaths of the ſame; and at the ſuch times as the ſaid Sir *Rich. Bolton* Kt. was Lord Chancellor of *Ireland*, or Chief Baron of the Court of Exchequer within this Kingdom, and Sir *Gerard Lowther* Kt. was Lord Chief Juſtice of the ſaid Court of Common-Pleas, and againſt their Oaths of the ſame, and at ſuch time as the ſaid Lord Biſhop of *Derry*, was actually Biſhop of *Derry* within this Kingdom, and were done and perpetrated contrary to their and every of their Allegiance, and ſeveral and reſpective Oaths taken in that behalf.

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For which, the ſaid Knights Citizens, and Burgeſſes do impeach the ſaid Sir *Richard Bolton* Lord Chancellor of *Ireland*, *John* Lord Biſhop of *Derry*, Sir *Gerard Lowther* Kt. Lord Chief Juſtice of his Majeſty's ſaid Court of Common-Pleas, and Sir *George Ratcliffe* Kt. aforeſaid, and every of them, of High Treaſon againſt our Soveraign Lord the King, his Crown and Dignity.

And the ſaid Knights, Citizens, and Burgeſſes, by Proteſtation, ſaving to themſelves the liberty of exhibiting at any time hereafter any other Accuſation or Impeachment againſt the ſaid Sir *Richard Bolton*, Lord Chancellor of *Ireland*, *John* Lord Biſhop of *Derry*, Sir *Gerard Lowther*, and Sir *Geo. Ratcliffe* aforeſaid, and every of them; and alſo of replying to their, and every of their Anſwer and Anſwers, which they and every of them ſhall make to the ſaid Articles, or any of them, and of offering proof alſo of the Premiſes, or of any other Impeachment or Accuſation, as ſhall be by them exhibited, as the caſe ſhall, according to the courſe of Parliament, require.

And the ſaid Knights, Citizens, and Burgeſſes, do pray that the ſaid Sir *Richard Bolton* Kt. Lord Chancellor of *Ireland*, *John* Lord Biſhop of *Derry*, Sir *Gerard Lowther* Kt. Lord Chief Juſtice of the ſaid Court of Common-Pleas, and Sir *George Ratcliffe* Kt. and every of them, be put to anſwer all and every the Premiſes; and that all ſuch Proceedings, Examinations, Tryal, and Judgment, may be upon them, and every of them, had and uſed, as is agreeable to Law and Juſtice.

A Schedule of ſome part of the Grievances of this Kingdom, voted in the Lords Houſe of Parliament *in* Ireland, *the* 18*th of* February, 1640. *to be tranſmitted to the Committee of the ſame Houſe attending his Majeſty in* England, *to purſue for Redreſs for the ſame.*

1. THat the Nobility of this Kingdom have not been taxed or aſſeſſed, in their Subſidies in this Parliament, and the laſt preceding Parliament, equally or proportionably to the Lords in *England*, nor anſwerable to their Eſtates and Engagements: But exceſſively rated beyond their Abilities to bear, and beyond all Example in any of his Majeſty's Dominions.

2. That the Peers of the Realm have been reſtrained of late, even to cloſe Priſon, not being impeached of Treaſon or other capital Offence.

3. That the Proxies of Peers have of late been limitted unto ſuch Perſons only as the Chief Governour nominated (few or none excepted) and licence of Abſence granted to none but on thoſe terms; by reaſon whereof, even in this Parliament, four or five Noblemen could out-vote all the Temporal Nobility preſent.

4. That ſuch Noblemen as have Titles of Honour in this Kingdom, and no Lands, have vote in Parliament.

5. The late Proclamation reſtraining Peers, and others to go into *England*, to preſent themſelves before their Liege Lord, or otherwiſe without licence, and therefore an Act of Parliament to be propounded, to prevent the like hereafter.

6. The general and apparent decay of Trades, occaſioned by the new and illegal raiſing of the Book of Rates and Impoſitions, as 2 *d.* a piece Cuſtom for Hides, bought for 3, 4, or 5 *s.* and other [illegible] upon

upon Native, and other Commodities, exported and imported: By reaſon whereof, and of extream Uſage and Cenſures, Merchants are beggar'd, and both diſenabled and diſcouraged to trade, and ſome of the Perſons who gain thereby, are often Judges and Parties; and that in concluſion his Majeſty's Profit thereby is not conſiderably advanced. 16 Car.

7. The arbitrary Deciſions of all Civil Cauſes and Controverſies, by Paper-Petitions before the Lord Lieutenant, Lord Deputy, or other Chief Governour, and infinite other Judicatories, upon References from them derived, in the nature of all Actions determinable at the Common Law, not limitted unto certain Time, Seaſon, Cauſe, or Thing whatſoever; and the Conſequences of ſuch Proceedings, by receiving immoderate and unlawful Fees, by Secretaries, Clerks, Purſuivants, Serjeants at Arms, and otherwiſe; by which kind of Proceedings, his Majeſty loſeth a conſiderable part of his Revenue upon original Writs, and otherwiſe: the Subject loſeth the Benefit of his Writ of Errour, Bill of Reverſal, Vouchers, and other legal and juſt Advantages, in the ordinary Courſe and Courts of Juſtice are thereby declined.

8. The proceeding in Civil Cauſes, at the Council-Board, contrary to the Law, and great Charter, and not limitted to any certain time or ſeaſon.

9. The extrajudicial avoidings of Letters-Patents of Eſtates, of a very great part of his Majeſty's Subjects under the Great Seal, the publick Faith of the Kingdom, by private Opinions, delivered at Council-Board, without legal Evictions of their Eſtates contrary to the Laws, and without Precedent or Example, of any former Age.

10. The Proclamation for the ſole compoſition and uttering of Tabaco, which is bought at very low rates, and uttered at very high and exceſſive rates; by means whereof, thouſand Families within this Kingdom, and of his Majeſty's Subjects in ſeveral Iſlands, and other parts of the *Weſt-Indies* (as their Lordſhips are informed) are deſtroyed, and the moſt part of the Coin of this Kingdom, is engroſſed thereby into particular hands; inſomuch as their Lordſhips conceive the Profit ariſing and engroſſed thereby, doth ſurmount his Majeſty's Revenue, certain or caſual, within this Kingdom; and yet his Majeſty receiveth but very little Profit by the ſame.

11. The unuſual and unlawful increaſing of Monopolies, to the advantage of few, to the diſprofit of his Majeſty and the impoveriſhment of his People, as Starch, Tabaco, Tabaco-pipes, Sope, Glaſs, and other things.

12. The late erection of the Court of High Commiſſion for Cauſes Eccleſiaſtical, in theſe neceſſitous times, the Proceedings of the ſame Court in many Cauſes, without legal Courſes; and yet ever ſupported as Prohibitions have not been obtained, though legally ſought for, and the exceſſive Fees, exacted by the Miniſters thereof, and the encroaching of the ſame, upon the Juriſdiction of the Eccleſiaſtical Courts of this Kingdom.

13. The exorbitant Fees and pretended Cuſtoms, exacted by the Clergy againſt the Law, ſome of which have been formerly preſented to the late Lord Deputy, but no redreſs had thereupon.

14. The Act of State touching the buying of Gun-powder out of his Majeſty's Store, which is commonly bad, and, for the moſt part, ſold at double the value for which the ſame is bought in groſs; and the Proclamations reſtraining Hawking and Hunting, within ſeven Miles of *Dublin*, and ſhooting at any living thing within five Miles of the *Naſe*, whereby neither Noblemen or Gentlemen dare ſhoot at any Vermin, or other thing what-

An. 1640. whatſoever that is living, which they conceive to be none of his Majeſty's Royal meaning.

15. That by the powerfulneſs of ſome Miniſters of State in the Kingdom, the Parliament in its Members and Actions hath not had its natural freedom.

16. That his Majeſty's Subjects of this Kingdom, have been denied the Benefit of the Statute of Limitation, of 21 *Jac.* granted by his Majeſty in the Fourth Year of his Reign, upon great Advice and Conſideration, and then publiſhed in all the Courts, and in open Aſſizes.

17. That the Fees taken in all the Courts of Juſtice in this Kingdom, both Eccleſiaſtical and Civil, by Officers and Miniſters, are ſo immoderately high, that it is an unſpeakable Burthen to all his Majeſty's Subjects of this Kingdom, who are not able to ſubſiſt, except the ſame be ſpeedily remedied, and reduced to ſuch moderation as may ſtand with the Condition of this Realm.

18. That many hundred thouſand weight of Linnen-Yarn and Linnen-Cloth, have of late been taken away by force, by Authority of the Chief Governour, from poor, induſtrious People, for want of breadth, or a certain number of looſe Threads, to the undoing of many thouſands of his Majeſty's Subjects.

19. And laſtly, That the Nobility, Gentry, and Merchants, and other his Majeſty's Subjects of this Kingdom, are of late by the Grievances and Preſſures aforeſaid, and other the like, very near to Ruine and Deſtruction; and Farmers of Cuſtoms, Cuſtomers, Waiters, Searchers, Clerks of unwarrantable Proceedings, Purſuivants, and Gaolers, and ſundry others, very much enriched thereby; and by the ſlow redreſs of theſe, and other Grievances, under which his Majeſty's loving Subjects have ſome Years paſt groaned, his Majeſty's moſt faithful and dutiful People of this Kingdom, do conceive great Fears, That their readineſs approved upon all occaſions hath not been of late rightly repreſented to his ſacred Majeſty.

The ſaid *Iriſh* Committee attending the King, conſiſted of four Peers and twelve Commoners, *viz.* The Lord Viſcount *Gormandſtone*, Lord Viſcount *Kilmaloe*, Lord Viſcount *Caſteloe*, and Lord Viſcount *Baltinglas*. The Commons were, out of *Lemſter*, *Nich. Plunket*, *Digby*, *Richard Fitz-Garret*, *Nich. Barnewell* Eſq; out of *Munſter*, Sir *Hardreſſe Waller*, *John Welſh*, Sir *Donnogh Mac-Carti*; out of *Conaught*, *Robert Linch*, *Geofry Brown*, *Tho. Burke*; out of *Ulſter*, Sir *Will. Cole*, Sir *James Montgomery*.

The King took theſe their Grievances into his Royal Conſideration, condeſcending ſo far to their Satisfaction, as that he heard them Himſelf, and made preſent proviſion for their Redreſs.

Upon the Death of Mr. *Wandsford*, Maſter of the Rolls in *Ireland*, and Lord Deputy there, under the Earl of *Strafford*, (for he continued Lord Lieutenant after his Impriſonment) the King nominated the Lord *Dillon*, and Sir *William Parſons*, for the Government of *Ireland*; but finding the Lord *Dillon* not to be acceptable to the ſaid Committee, placed Sir *John Borlace* in his room, who took the Sword *Feb.* 9. 164⅞.

Tueſday, Apr. 1. The Bill againſt Biſhops and Clergy-men exerciſing any Temporal Power, and the Bill for regulating the Privy Council, were both read the ſecond time, and committed.

Ordered,

16 *Car.*

Ordered, That the Committee of Twenty four that was formerly appointed, for the *Remonſtrance* of the ſtate of the Kingdom, ſhall collect the Heads of the great Grievances of the Kingdom, as they ſhall think fit, and diſpoſe them into the form of a Petition, and preſent them to the Houſe; and that the Lords be deſired to join in repreſenting the ſame to his Majeſty for redreſs. Remonſtrances. *April* 2.

A Bill for the better regulating of the two parts of Recuſants Lands, liable to his Majeſty's ſeizure for their Recuſancy, read the firſt time. Recuſants Lands. *April* 3.

A Bill for repeal of a Branch of a Statute, 1 *Eliz.* concerning Commiſſions for Cauſes *Eccleſiaſtical*, read the ſecond time. Cauſes Eccleſiaſtical.

The Lord Mayor came to the Lords Houſe, to inform them of the difficulty to get Moneys; whereupon there was a Conference of both Houſes, concerning the Loan of Moneys. Lord Mayor at the Houſe of Lords.

Nothing extraordinary paſſed, being buſie at the Earl of *Strafford's* Tryal. *April* 5.

The Houſe entered into a Debate concerning the Army; whereupon it was *April* 6.

Reſolved, That it is the Opinion of this Houſe, That during the Seſſion of this *Parliament*, neither the King's Army, nor any of the Train'd-Bands of *Yorkſhire*, ſhall march or advance without ſpecial order of his Majeſty, with the Advice and Conſent of both Houſes of Parliament, except in caſe the *Scottiſh* Army ſhould paſs the limits appointed by the Treaty; or except it be to reſiſt any actual or ſudden Invaſion which ſhall be made by foreign Enemies; or to oppoſe ſuch as ſhall preſume to attempt any thing contrary to this Declaration; and in caſe any ſhall dare to aſſemble in Warlike manner, contrary to this Declaration, the Opinion of this Houſe is, That all Perſons ſo offending, ſhall be accounted and taken for *Enemies to the King and State*, ſaving in caſe the *Scots* do draw their Forces together; then the drawing of the King's Army, into one or more Bodies, ſhall be accounted no Breach of this Declaration. Both Armies to keep within bounds.

Ordered, That the eleven Days pay due to the Earl of *Crawford's* Troop, ſhall be paid out of the firſt Moneys that ſhall come in. Earl of *Crawford*.

The Houſe fell into a Debate of Heads for a Conference with the Lords, That the King's Anſwer be humbly deſired to be ſpeedily had to the diſbanding of the *Iriſh* Army, diſarming of Papiſts, and removing of Recuſants from Court; that the Treaty with the *Scots* be brought to a ſpeedy Iſſue, and that care be taken that ſome Chief Officers of the Army, be ſent down to the Army, with all convenient Speed; and that the Lords be deſired to joyn herein. *April* 8.

Ordered, That Sir *John Lamb* have his Liberty upon Bail. *April* 9.

The Queſtion being put for a Ceſſation of Arms to be continued a Month longer: The Houſe was divided: for the *Yeas* 167; for the *Noes* 128. Whereupon it was

Reſolved, That this Houſe doth approve of the continuance of a Ceſſation of Arms between the two Kingdoms for a Month longer, from the Sixteenth of this inſtant *April*, upon the ſame Terms it was formerly agreed upon in Caſe the Treaty ſhall ſo long continue. Ceſſation of Arms.

Ordered, That the Aldermen and Citizens, Members in this Houſe, ſhall intimate unto the Lord-Mayor, That the Statutes for the due obſerving of the Lord's Day be put in execution: And that the like intimation from this Houſe be made to the Juſtices of Peace for *Middleſex* and *Weſtminſter*. *April* 10. For obſerving the Lords day.

Re-

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E of *Strafford.* Popiſh Hierarchy. *April* 12.

Reſolved, That the Bill for the Attainder of *Thomas* Earl of *Strafford* of High Treaſon ſhall be now read.

That the Committee for the *Roman* Hierarchy, do meet and proceed in the Examination of that matter; and Sir *Robert Pye*, Sir *H. Anderſon*, Sir *George Gerrard*, and Mr. *Laurence Whitaker* are added to that Committee; who are to take the Examination of one *Brown*, a Prieſt, in *Newgate*, who pretends he has ſomething to diſcover, and to give no Copies of his Examination till further Order.

Prieſts.

That notice be given to the Lord Mayor, where ſome Prieſts do now lodge, that they may be apprehended.

Bill of Attainder.

Ordered, That at the next ſitting of the Houſe, the Bill for Attainder of the Earl of *Strafford* ſhall be read the ſecond time.

Earl of *Strafford* to recollect his Evidence.

This Day the Lords declared, That the Commons may proceed as they have propounded; the Earl of *Strafford* firſt recollecting his Evidence; and that being done, the Commons to ſtate their Evidence, and this to be done to morrow morning.

Reformado Officers. *April* 14.

The Petition of divers Reformado Officers of the King's Army, read and referred.

Election of Members.

A Bill for reformation of Diſorders and Abuſes in the Election of Knights, Citizens, and Burgeſſes in Parliament, read the firſt time.

Earl of *Strafford's* Council.

That the Earl of *Strafford's* Council be heard to morrow at eight of the Clock concerning matter of Law.

Bill of Attainder not oppoſite to the other Proceedings. *April* 15.

Mr. *Maynard* Reports the Heads of the Conference to be had with the Lords, to ſhew how their Proceedings, by way of Bill of Attainder, ſtands in no way of oppoſition to thoſe Proceedings that have already been in this Buſineſs.

Committee-Bill of Attainder.

Mr. *Peard* called to the Chair of the Grand Committee for the Bill of Attainder.

The Lords do now agree the Earl of *Strafford's* Councel ſhall only ſpeak to matter of Law, and not to matter of Fact.

Mr. *Chamber's* Petition.

Mr. *Chambers* his Petition was read and referred, complaining of the Sentence in the Star Chamber, and of the Barons in the Exchequer, denying him the Benefit of a Writ of Replevin.

Earl of *Strafford* voted guilty of ſubverting, *&c.* *April* 16.

The Houſe reaſſumed the Debate concerning the Earl of *Strafford*; and *Reſolved*, That it is ſufficiently proved, that the Earl of *Strafford hath endeavoured to ſubvert the ancient and Fundamental Laws of the Realms of* England *and* Ireland, *and to introduce an Arbitrary and Tyrannical Government againſt Law.*

A Committee to hear the Earl of *Strafford's* Councel. *April* 17.

That a Committee of both Houſes do only go to hear the Earl of *Strafford's* Councel.

A Faſt.

Reſolved, That there ſhall be a Meſſage ſent to the Lords, to deſire them to join with this Houſe to make requeſt to his Majeſty for a *Publick Faſt.*

That the Grand Committee do now ſit upon the Bill of Attainder.

April 19. Officers of the Army to go to their Commands.

This Day Commiſſary *Willmot* acquainted the Houſe, that he and the reſt of the Officers of the Army, Members of this Houſe, had received command to go to their Charges in the Army very ſuddenly.

The Houſe to be called.

The Houſe took two or three days time to conſider of this Buſineſs, and ordered the Houſe to be called on *Tueſday* come ſevennight; and that none of the Members go out of Town, without ſpecial Licence from the Houſe.

April 19. Earl of *Strafford* voted guilty of High Treaſon.

Reſolved upon the Queſtion, That the endeavour of *Thomas* Earl of *Strafford* to ſubvert the ancient and Fundamental Laws of the Realms of *England* and *Ireland*, and to introduce an Arbitrary and Tyrannical Government, againſt Law, in both theſe Kingdoms, is High

The

The Doors locked, and the Keys brought up to the Table, Mr. *Peard* reports the Bill againſt the Earl of *Strafford*, with Amendments; and upon the Queſtion for the paſſing thereof the Houſe was divided, 59 for the *Noes*, 204 for the *Yeas*, (the Lord *Digby* being appointed one of the Tellers for the *Noes*,) whereupon the Bill was ordered to be immediately engroſſed and ſent up to the Lords.

16 Car.

Report from the Committee for the Earl of *Strafford.*

The Bill againſt him paſs'd.

But during the Debate, the Lord *Digby* made this following Speech.

The Lord Digby's *Speech in the Houſe of Commons, to the Bill of Attainder of the Earl of* Strafford, April 21. 1641.

Mr. Speaker,

WE are now upon the Point of giving (as much as in us lies) the final Sentence unto Death or Life, on a Great Miniſter of State, and Peer of this Kingdom, *Thomas* Earl of *Strafford*, a name of hatred in the preſent Age, by his Practices, and fit to be made a Terrour to future Ages by his Puniſhment.

I have had the Honour to be employed by the Houſe in this great buſineſs, from the firſt hour that it was taken into conſideration. It was a matter of great truſt, and I will ſay (with Confidence) that I have ſerved the Houſe in it with Induſtry, according to my Ability, but with moſt exact Faithfulneſs and Service.

And as I have hitherto diſcharged my Duty to this Houſe and to my Country, in the Progreſs of this great Cauſe, ſo I truſt I ſhall do now in the laſt Period of it, to God and to a good Conſcience.

I do wiſh the Peace of that unto my ſelf, and the Bleſſings of Almighty God to me and my Poſterity, according as my Judgment on the Life of this Man ſhall be conſonant with my Heart, and the beſt of my Underſtanding in all Integrity.

I know well, *Mr. Speaker*, that by ſome things I have ſaid of late, whilſt this Bill was in agitation, I have raiſed ſome Prejudices upon me in the Cauſe. Yea, ſome (I thank them for their plain dealing) have been ſo free as to tell me, that I ſuffered much by the Backwardneſs I have ſhewn in this Bill of Attainder of the Earl of *Strafford*, againſt whom I had been ſo keen, ſo active.

Mr. Speaker, I beg of you and the reſt but a ſuſpenſion of Judgment concerning me, till I have opened my Heart unto you freely and clearly in this Buſineſs. Truly, Sir, I am ſtill the ſame in my Opinions and Affections, as unto the Earl of *Strafford*, I confidently believe him to be the *moſt dangerous Miniſter*, the moſt inſupportable to free Subjects, that can be charactered. I believe his Practices in themſelves as high, as Tyrannical, as any Subject ever ventured on, and the malignity of them hugely aggravated by thoſe rare Abilities of his, whereof God has given him the uſe, but the Devil the Application. In a word, I believe him ſtill that grand Apoſtate to the Common-wealth, who muſt not expect to be pardoned in this World, till he be diſpatch'd to the other: And yet, let me tell you, *Mr. Speaker*, my Hand muſt not be to that diſpatch: I proteſt, as my Conſcience ſtands informed, I had rather it were off.

Let me unfold to you the Myſtery: *Mr. Speaker*, I will not dwell much upon juſtifying unto you my ſeeming variance at this time from what I was formerly; by putting you in mind of the difference between *Proſecutors* and *Judges*. How misbecoming that Fervour would be in a Judge, which perhaps was commendable in a *Proſecutor*: Judges we are now, and muſt put on another Perſonage. It is honeſt and noble to be earneſt in order to the diſcovery of Truth; but when that hath been brought ſo far as it can to Light, our Judgment thereupon ought to be calm and cautious. In proſecution upon probable Grounds, we are accountable only for our Induſtry or Remiſneſs; but in Judgment we are deeply Reſponſible to God Almighty for its Rectitude or Obliquity. In Caſes of Life, the Judge is God's Steward of the Parties Blood, and muſt give a ſtrict Account for every drop.

An. 1641.

But as I told you, *Mr. Speaker*, I will not inſiſt long upon this ground of Difference in me now, from what was formerly.

The Truth on't is, Sir, the ſame Ground whereupon I (with the reſt of the Few, to whom you firſt committed the Conſideration of my Lord *Strafford*) brought down our Opinion, That it was fit he ſhould be accuſed of *Treaſon*; upon the ſame ground I was engaged with earneſtneſs in his Proſecution; and had the ſame ground remained in that force of Belief with me, which till very lately it did, I ſhould not have been tender in his Condemnation. But truly, Sir, to deal plainly with you, that Ground of our Accuſation, that ſpurr to our Proſecution, and that which ſhould be the Baſis of my Judgment of the Earl of *Strafford* as unto Treaſon, is, to my Underſtanding, quite vaniſh'd away.

This it was, Mr. *Speaker*: His adviſing the King to employ the Army in *Ireland* to reduce *England*. This I was aſſured would be proved, before I gave my conſent to his Accuſation. I was confirmed in the ſame belief, during the Proſecution, and fortified in it moſt of all ſince Sir *Henry Vane*'s preparatory Examinations, by the Aſſurances which that worthy Member, Mr. *Pym*, gave me, that his Teſtimony would be made convincing, by ſome Notes of what paſs'd at the Juncto, concurrent with it; which I ever underſtanding to be of ſome other Counſellor, you ſee now prove but a Copy of the ſame Secretaries Notes, diſcover'd and produc'd in the manner you have heard; and thoſe ſuch diſpointed Fragments of the venomous part of Diſcourſes; no Reſults, no Concluſions of Counſels, which are the only things that Secretaries ſhould Regiſter, there being no uſe of the other, but to accuſe and bring Men into danger.

But, Sir, this is not that which overthrows the Evidence with me, concerning the Army in *Ireland*; nor yet that all the reſt of the Juncto upon their Oath, remember nothing of it. But this, Sir, which I ſhall tell you, is that which works with me, under favour, to an utter overthrow of his Evidence, as unto that of the Army of *Ireland*. Before, whilſt I was a Proſecutor, and under eye of Secreſie, I might not diſcover any weakneſs of the Cauſe, which now, as a Judge, I muſt. Mr. Secretary was examined thrice upon Oath, at the preparatory Committee. The firſt time he was queſtioned to all the Interrogatories; and to that part of the ſeventh, which concerns the Army in *Ireland*, he ſaid poſitively theſe Words: I cannot charge him with that; but for the reſt he deſires time to recollect himſelf, which was granted him.

Some days after he was examined a ſecond time, and then depoſes theſe Words, concerning the King's being abſolved from Rules of Government, and ſo forth very clearly. But being preſt to that part, concerning the *Iriſh* Army, again, can ſay nothing to that.

Here we thought we had done with him, till divers Weeks after, my Lord of *Northumberland*, and all others of the Juncto, denying to have heard any thing concerning thoſe Words, of reducing *England* by the *Iriſh* Army, it was thought fit to examine the Secretary once more; and then he depoſes theſe Words to have been ſaid by the Earl of *Strafford* to his Majeſty: *You have an Army in* Ireland, *which you may employ here to reduce* (or ſome Word to that ſence) *this Kingdom.*

Mr. *Speaker*, theſe are the Circumſtances, which I confeſs with my Conſcience, thruſt quite out of Doors that grand Article of our Charge, concerning his deſperate Advice to the King, of employing the *Iriſh* Army here.

Let not this, I beſeech you, be driven to an Aſperſion upon Mr. Secretary, as if he ſhould have ſworn otherwiſe than he knew or believed; he is too worthy to do that; only let thus much be inferr'd from it, That he who twice upon Oath with time of recollection, could not remember any thing of ſuch a Buſineſs, might well a third time miſremember ſomewhat: And in this Buſineſs the difference of one Letter, *here* for *there*, or *that* for *this*, quite alters the Caſe; the latter alſo being the more probable, ſince it is confeſs'd on all hands, that the Debate then, was concerning a War with *Scotland*: and you may remember, that at the Bar he once ſaid *to employ there.* And thus, Mr. *Speaker*, I have faithfully given you an account, what it is that hath blunted the edge of the *Hatchet* or *Bill* with me towards my Lord *Strafford.*

This

16 *Car.*

This was that, whereupon I accuſed him with a free Heart, proſecuted him with earneſtneſs, and had it to my Underſtanding been proved, ſhould have Condemned him with Innocence; Whereas now, I cannot ſatisfie my Conſcience to do it. I profeſs, I can have no Notion of any bodies Intent to ſubvert the Laws, but treaſonably, or by force; and this deſign of force not appearing, all his other wicked Practices cannot amount ſo high with me.

I can find a more eaſie and more natural Spring, from whence to derive all his other Crimes, than from an Intent to bring in Tyranny, and to make his own Poſterity, as well as us, *Slaves*; as from Revenge, from Pride, from Avarice, from Paſſion, and Inſolence of Nature.

But had this of the *Iriſh* Army been proved, it would have diffuſed a Complexion of Treaſon over all; it would have been a *Withe* indeed, to bind all thoſe other ſcattered and leſſer *Branches*, as it were, into a *Faggot* of Treaſon.

I do not ſay but the reſt may repreſent him a Man as worthy to die, and perhaps worthier than many a Traytor. I do not ſay, but they may juſtly direct us to Enact, that they ſhall be Treaſon for the future.

But God keep me from giving Judgment of Death on any Man, and of Ruine to his Innocent Poſterity, upon a Law made *A Poſteriori*.

Let the *Mark* be ſet on the Door, where the Plague is, and then let him that will enter, die.

I know, Mr. *Speaker*, there is in Parliament a double Power of Life and Death, by Bill, a *Judicial* Power, and a *Legiſlative*: The meaſure of the one, is what's Legally Juſt; of the other, what is Prudentially and Politickly fit for the good and preſervation of the whole. But theſe two, under favour, are not to be Confounded in Judgment. We muſt not piece up want of Legality with Matter of Convenience; nor the Defailance of Prudential Fitneſs, with a Pretence of Legal Juſtice.

To Condemn my Lord of *Strafford* Judicially as for Treaſon, my Conſcience is not aſſured that the Matter will bear it. And to do it by the *Legiſlative* Power, my Reaſon Conſultively cannot agree to that, ſince I am perſwaded, neither the Lords, nor the King will paſs the Bill, and conſequently that our paſſing it will be a Cauſe of great Diviſions and Combuſtions in the State.

Therefore my humble Advice is, that laying aſide this Bill of *Attainder*, we may think of *another*, ſaving only Life, ſuch as may ſecure the State from my Lord of *Strafford*, without endangering it as much by Diviſion concerning his Punithment, as he hath endangered it by his Practices.

If this may not be hearkened unto, let me conclude in ſaying that to you all, which I have throughly inculcated to mine own Conſcience upon this occaſion. Let every Man lay his Hand upon his own Heart, and ſadly conſider what we are going to do with a Breath; either *Juſtice* or *Murther*; Juſtice on the one ſide, or Murther heightned and aggravated to its ſupreameſt Extent. For, as the Caſuiſts ſay, that he who lies with his Siſter commits Inceſt, but he that marries his Siſter ſins higher, by applying God's Ordinance to his Crime; ſo doubtleſs, he that commits Murther with the Sword of Juſtice, heightens that Crime to the utmoſt.

The Danger being ſo great, and the Caſe ſo doubtful, that I ſee the beſt Lawyers in diametrical oppoſition concerning it. Let every Man wipe his Heart, as he does his Eyes, when he would Judge of a nice and ſubtile Object: The Eye, if it be pretincted with any Colour, is vitiated in its diſcerning. Let us take heed of a *Blood-ſhotten Eye* of Judgment.

Let every Man purge his Heart clear of all *Paſſions* (I know this Great and Wiſe Body Politick can have none; but I ſpeak to Individuals, from the weakneſs which I find in my ſelf.) Away with Perſonal Animoſities, away with all Flatteries to the People, in being the ſharper againſt him, becauſe he is odious to them; away with all Fears, leſt by the ſparing his Blood they may be incenſed; away with all ſuch Conſiderations, as that it is not fit for a Parliament, that one Accuſed by it of Treaſon ſhould eſcape with Life. Let not former vehemence of any againſt him, nor fear from thence, that he cannot be ſafe while that Man lives, be an Ingredient in the *Sentence* of any one of us.

An. 1641.

Of all theſe Corruptives of Judgment, Mr. *Speaker*, I do, before God, diſcharge my ſelf, to the uttermoſt of my Power. And do with a Clear Conſcience, waſh my Hands of this Mans Blood, by this ſolemn Proteſtation, that *my Vote* goes not to the taking of the Earl of *Strafford*'s Life.

Exceptions being taken to this Speech, it was moved, that the Lord *Digby* Explain himſelf, touching ſome Paſſages therein to morrow Morning.

April 20.

A Report made concerning Mr. *Pryn*'s Caſe.

Reſolved upon the Queſtion.

Reſolves concerning Mr. *Pryn*.

1. That the Sentence given againſt Mr. *Pryn* in the Star-Chamber, *February* 17. *Anno* 9. *Car.* is *Illegal*, and given without juſt Cauſe, and ought to be *reverſed*; and that Mr. *Pryn* ought to be diſcharged of the Fine of 5000 *l.* impoſed by the ſaid Sentence, and of all Extents thereupon, and of his Impriſonment, Decreed by that Sentence.

2. *Reſolved*, That Mr. *Pryn* ought to be reſtored to his *Degrees* in the Univerſity of *Oxford*, and to the Society of *Lincoln*'s *Inn*, and to the Exerciſe of his Profeſſion of an Utter Barriſter at Law, and to his Chamber again at *Lincoln*'s *Inn*.

3. *Reſolved*, That Mr. *Pryn* ought to have *Reparation* for ſuch Damages and Prejudice as he hath ſuſtained, by the ſaid Sentence and Proceedings.

4. *Reſolved*, &c. That the Sentence given againſt Mr. *Pryn* in the Star-Chamber, 14 *Junii* 1637. *Anno* 13 *Car.* is *Illegal*, and given without any juſt Cauſe, and therefore ought to be *reverſed*; and that he ought to be diſcharged of the Fine and Impriſonment thereby Decreed; and that he ought to have *Reparation* and Recompenſe for the Damages ſuſtained by that Sentence, and the Execution thereof.

5. That the Warrant. Dated 27. *Aug.* 13 *Car.* for the Tranſportation of Mr. *Pryn*, from *Carnarvan* Caſtle to the Iſle of *Jerſey*, and his Impriſonment there, and other Reſtraints therein mentioned, are againſt the Law and Liberty of the Subject; and that he ought to be diſcharged of that Impriſonment, and to have Reparations for the Damages ſuſtained thereby.

6. *Reſolved*, &c. That the Impriſonment of Mr. *Pryn*, by a Warrant Dated 1*ſt*. *Feb.* 1632. under the Hands of *Thomas* Lord *Coventry*, Lord Keeper of the Great Seal of *England*, *Richard* Lord Archbiſhop of *York*, *Henry* Earl of *Manchester*, *Edward* Earl of *Dorſet*, *Henry* Lord Viſcount *Faulkland*, *William* Lord Biſhop of *London*, *Edward* Lord *Newburgh*, and Sir *Thomas Jermin*, is *Unjuſt* and *Illegal*, and that they ought to give Mr. *Pryn* ſatisfaction, for the Damages ſuſtained by his Impriſonment.

It was further Ordered, That a Charge be drawn up againſt Doctor *Heylin*, touching the promoting the Suit in Star-Chamber againſt Mr. *Pryn*.

April 21. Dr. *Leighton*.

Mr. *Rouſe* Reports the Caſe of Doctor *Leighton*; upon which it was Reſolved upon the Queſtion.

1. That the Attaching, Impriſoning, and Detaining Doctor *Leighton* in Priſon, by Warrant from the High Commiſſioners, is *Illegal*.

2. *Reſolved*, &c. That the breaking up of Doctor *Leighton*'s Houſe, and the taking away his Papers, by *Edward Wright*, then Sheriff of *London*, and now Lord Mayor, is *Illegal*.

3. *Reſolved*, &c. That the ſaid *Edward Wright*, then Sheriff, and now Lord Mayor of *London*, ought to give Reparations to Doctor *Leighton* for his Damages ſuſtained by the breaking open his

Houſe,

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Houſe, and taking away his Papers and other Goods, as aforeſaid.

4. *Reſolved*, &c. That the Archbiſhop of *Canterbury*, then Biſhop of *London*, ought to give ſatisfaction to Dr. *Leighton*, for his Damages ſuſtained by Fifteen Weeks Impriſonment in *Newgate*, upon the ſaid Biſhop's Warrant.

5. *Reſolved*, &c. That the Great Fine of 10000 *l.* laid upon Doctor *Leighton*, by Sentence in the Star-Chamber, is *Illegal*,

6. *Reſolved*, &c. That the Sentence of Corporal Puniſhment, impoſed upon Doctor *Leighton*, the Whipping, Branding, Slitting the Noſe, Cutting off his Ears, Setting in the Pillory, and the Execution thereof, and Impriſonment thereupon, are *Illegal*.

7. *Reſolved*, &c. That Doctor *Leighton* ought to be freed from the Great Fine of 10000 *l.* and from the Sentence of Perpetual Impriſonment, and to have his Bonds delivered to him, which he entred into for his true Impriſonment.

8. *Reſolved*, &c. That Doctor *Leighton* ought to have good Satisfaction and Reparation, for his great Sufferings and Damages ſuſtained by the Illegal Sentences in the Star-Chamber.

Two Petitions, one from the County of *Nottingham*; another from the County of *Lancaſter*, againſt the Hierarchy, were Read, and Referred to the Committee for the Miniſters Remonſtrance.

Matter of Law concerning the Earl of *Strafford*, to be Argued by Council. *April.* 22.

The Lords agree to hear the Commons in *Weſtminſter-Hall*, at Eight of the Clock on *Saturday* next, touching the Matter of Law, in the Buſineſs of the Earl of *Strafford*, and the Lawyers of the Houſe are required to be there.

Mr. *Sollicitor* is enjoyned by the Houſe, to maintain the Legal Part of the Bill of Attainder, againſt *Thomas* Earl of *Strafford*, on *Saturday* next, and Mr. *Maynard*, and Mr. *Glyn* are joyned to him as Aſſiſtants.

April 23. Paper of Minutes taken away.

The Houſe being informed, that a Paper of Conſequence (being the Minutes of the Council diſcovered by Sir *Henry Vane* aforeſaid) was taken out of the Chamber, where the Secret Committee do uſually meet, which did relate to the Earl of *Strafford*'s Buſineſs. It was referred to a Committee, to examine the Matter, who agreed upon a *Proteſtation*, to be made by every one of the Secret Committee, which being reported by Mr. *Martin*, was as followeth,

"I do Solemnly affirm and proteſt, in the Preſence of God and this "Aſſembly, That I did not, directly or indirectly, take, carry, or "convey away the Paper in Queſtion, ſuppoſed to be loſt or taken "away from the Houſe where Mr. *Pym* lodges; nor know who did "take, carry, or convey away the ſame. Nor have ſeen the ſame ſince "it was loſt or taken away. And this Proteſtation I make ſincerely and "truely, without any mental Reſervation or Equivocation.

Sir *Walter Earl*, Sir *John Clotſworthy*, the Lord *Digby*, Mr. *Pym*, and Mr. *Grimſton*, did, all in their Places, ſolemnly take this *Proteſtation*.

Likewiſe the Exceptions taken by divers at the Lord *Digby*, for many Paſſages in the before-recited Speech of his, delivered at the paſſing of the Bill of Attainder of the Earl of *Strafford*, being now again objected againſt him, the ſaid Lord *Digby*, in his Place, explained himſelf, touching thoſe ſeveral Paſſages, and there was no more done at this time thereupon.

April 24. Court of *York*.

Mr *Edward Hyde* Reports the Caſe of the Court of *York*; whereupon it was Reſolved, That the Commiſſion, and Inſtructions, whereby

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An. 1641. the Preſident and Council in the *North* exerciſed a Juriſdiction, is illegal both in Creation and Execution, and that it is unprofitable to his Majeſty, and inconvenient and grievous to his Majeſty's Subjects in thoſe Parts.

And Mr. *Hide* was appointed to manage the Conference with the Lords touching the ſaid Court; where he delivered the following Speech.

Mr. Edward Hide *his Speech at a Conference of both Houſes of Parliament, concerning the* Preſident *and* Council *of the* North, *and the Court held at* York, April 22. 1641.

My Lords,

Mr. *Hide's* Speech about the Court of *York.*

I Am commanded by the Knights, Citizens, and Burgeſſes of the Houſe of Commons, to preſent to your Lordſhips a great and crying Grievance; which though it be complained of in the preſent Preſſures but by the *Northern* Parts, yet by the Logick and Conſequence of it, it is the grievance of the whole Kingdom. The Court of the Preſident and Council of the *North*; or, as it is more uſually called, the Court of *York*; which by the Spirit and Ambition of the Miniſters, truſted there, or by the natural Inclination of Courts to enlarge their own Power and Juriſdiction, hath ſo prodigiouſly broken down the Banks of the firſt Channels in which it ran, hath almoſt overwhelmed that Country under the Sea of Arbitrary Power, and involved the people in a Labyrinth of Diſtemper, Oppreſſion and Poverty.

Your Lordſhips will give me leave, not with Preſumption, to inform your great Underſtandings, but that you may know what moved the Houſe of Commons to their Reſolutions to remember your Lordſhips of the Foundation, and erecting this Court, and of the Progreſs and Growth of it.

Your Lordſhips well know, that upon the ſuppreſſion of all Religious Houſes to ſuch a value, in the Seven and twentieth Year of *H.* 8. from that time to the Thirtieth Year of that King's Reign, many (not fewer than Six) Inſurrections and Rebellions were made in the *Northern* Parts, under pretence of that Quarrel, moſt of them under the Command of ſome eminent Perſon of that Country; the which being quieted before the end of the Thirtieth Year, that great King, well knowing his own mind, and what he meant to do with the great Houſes of Religion, in the Year following, for prevention of any inconvenience that might enſue to him upon ſuch Diſtemper, in the One and thirtieth Year of his Reign, granted a Commiſſion to the Biſhop of *Landaff*, the firſt Preſident and others, for the quiet Government of the County of *York*, *Northumberland*, *Cumberland*, and *Weſtmorland*, the Biſhoprick of *Durham*, the Counties of the Cities of *York*, *Kingſton* upon *Hull*, and *Newcaſtle* upon *Tyne*. But, *my Lords*, this Commiſſion was no other than a Commiſſion of *Oyer* and *Terminer*, only it had a Clauſe at the end of it, for the hearing of all Cauſes real, and Perſonal, *Quando ambæ partes, vel altera pars ſic gravata paupertate fuerit, quod commodè jus ſuum ſecundum legem Regni noſtri aliter perſequi non poſſit*, which Clauſe, how illegal ſoever (for that it is illegal and void in Law, little doubt can be made;) yet whether they exerciſed that part of the Commiſſion at all, or ſo ſparingly exerciſed it, that poor people found eaſe and benefit by it, I know not; but at that time I find no complaint againſt it. Till the coming in of King *James* the Commiſſion continued ſtill the ſame, and that in the firſt Year of his Reign, to the Lord *Sheffield*, varied no otherwiſe from the former; ſave only it had reference to Inſtructions which ſhould be ſent, though whether any were ſent or no, is uncertain, for we can find none.

In *June*, in the Seventh Year of the Reign of King *James*, a new Commiſſion was granted to the ſame Man (the Lord *Sheffield*) very differing from all that went before, it being left out, That they ſhould enquire, *per Sacramentum bonorum, & legalium hominum*, and to hear and determine *Secundum leges Angliæ*; relation being had only to the Inſtructions; which were the firſt Inſtructions

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16 Car.

we can find were ſent thither; though I told your Lordſhips there were ſome mentions of ſome in 1 *Jac.* I ſhall not trouble your Lordſhips with theſe Inſtructions, nor with the other that followed in 14 *Jacobi* to the ſame Man, nor in 16 *Jacobi*, when a new Commiſſion was granted to my Lord *Sunderland*; nor indeed with any, till we come to theſe preſent Inſtructions and Commiſſions, under which that part of the Kingdom groans and languiſheth.

My Lord of *Strafford* came to that Government in *December*, 4 *Caroli*; and ſince, the Commiſſion hath been three ſeveral times renewed; in the Fifth Year in *March*, in the Eighth in *November*, in the thirteenth Year of his Majeſty's Reign; into that Commiſſion of 8 and 13. a new Clauſe ſcrewed in, for the granting ſequeſtring and eſtabliſhing Poſſeſſions; according to Inſtructions, crowded, in a Maſs of new, exorbitant and intolerable Power; though our complaint be againſt this Commiſſion it ſelf, and againſt the whole Body of thoſe Inſtructions. I ſhall not miſpend your Lordſhips precious time, in deſiring to have the whole read, but ſhall preſume to trouble your Lordſhips only with five or ſix of the Inſtructions, that by the vaſt Irregularity of thoſe, your Lordſhips may judge how inſupportable the whole burthen is. I ſhall not trouble your Lordſhips with the ninth Inſtruction, though it be but ſhort, which introduceth that *Miſeram ſervitutem ubi jus eſt vagum & incognitum*, by requiring an Obedience to ſuch Ordinances, and Determinations, as be or ſhall be made by the Council-Table, or High Commiſſion-Court. A Grievance, *my Lords*, howſoever *conſuetudo & peccantium claritas nobilitaverit hanc culpam*, of ſo tranſcendent a nature, that your Lordſhips noble Juſtice will provide a Remedy for it, with no leſs care than you would reſcue the Life and Blood of the Common wealth.

Read the 19, 22, 23, 24, 29, and 30. I will not trouble your Lordſhips with reading more, there being among them in the whole 58 Inſtructions, ſcarce one that is not againſt, or beſides the Law.

Whether his Majeſty may Canton out a part of his Kingdom to be tryed by Commiſſion, though according to the Rules of Law, ſince the whole Kingdom is under the Laws and Government of the Courts eſtabliſhed at *Weſtminſter*; and by this reaſon the ſeveral parts of the Kingdom may be deprived of that Priviledge, will not be now the Queſtion, That his Majeſty cannot by Commiſſion erect a new Court of *Chancery*, or a proceeding according to the Rules of the Star-Chamber, is moſt clear to all who have read *Magna Charta*: which allowed no Proceedings, *niſi per legale judicium parium & per legem terræ*: For our Court of Chancery here by long uſage and proſcription is grown to be, as it were, *lex terræ*. But, *my Lords*, the thirtieth Inſtruction goes further, and erects ſuch an Empire, ſuch a Dominion as ſhall be liable to no contrary.

The Courts of *Weſtminſter*, *my Lords*, have Superintendencies over all Inferior Courts to regulate their Juriſdictions, if they exceed their Limits. As to hold Plea of greater value; or the like in his exerciſe of Juriſdiction, the Judges are ſworn to grant, and ſend Prohibitions; and to ſtop the granting of theſe Prohibitions, or to neglect them when they are granted, is the greateſt and boldeſt ſcorn of the Law, and the Law-makers, that can be imagined.

The King's Courts at *Weſtminſter*, having been always of that awful and reverent eſteem, with inferiour Judges, that the inſtances of ſuch Contempts againſt them, are very rare and exemplary in the puniſhment.

The Biſhop of *Norwich* in *Trinity* Term, in the twentieth Year of *Edward* the Third, in *Rot.* 289. in the Common-Pleas in *Hillary* Term. 21. in the King's-Bench, was attached for diſobeying a Prohibition at the Suit of *Stracil*: Upon full and ſolemn diſcuſſion of the whole matter, the Court reſolved; That the Proceedings of the Biſhop were, *inobedientiam & diminutionem Domini, & Poteſtatis Regiæ, authoritatis ſuæ rejectionem, & Coronæ ſuæ exhæreditationem manifeſtam*, &c. as the Words of the Records are; and therefore adjudged the Temporalties of the Biſhop to be ſeized into the King's Hand, and great, very great Damages to be paid to Plaintiffs: And whoſoever gave Directions for theſe ſtout inſtructions, might have remembred, that no longer ſince than *Michaelmaſs*, in the ſeventh Year of *Elizabeth*, *Rot.* 31. an Attachment was granted againſt the Archbiſhop of *York*, then Preſident of that Council, for forbidding the Gaoler of *York* to deliver one *Lambert* his Priſoner, who was ſent for by a *Habeas Corpus* from the King's Bench; and if they would have believed the Reſolution of

An. 1641. of all the Judges in *England* in *Trinity* Term, in the ſixth Year of King *James*, they would have known how unfit it had been to inlarge that Juriſdiction, ſince moſt of their Proceedings, being of an inferiour nature to what they are now grown, were then declared to be illegal, and inconſiſtent with the Liberty of the Subject.

And can ſuch a Court as this, *my Lords*, deſerve to live? What a Compendious Abridgment hath *York* gotten of all the Courts in *Weſtminſter-Hall*? Whatſoever falls within the Cognizance, or Juriſdiction of either Courts here, is compleatly determinable within that one Court at *York*, beſides the Power it hath with the Eccleſiaſtical and High-Commiſſion-Courts.

What hath the good *Northern* People done, that they only muſt be disfranchiſed of all their Priviledges by *Magna Charta*, and the Petition of Right? For to what purpoſe ſerve theſe Statutes, if they may be fined and impriſoned without Law, according to the diſcretion of the Commiſſioners? What have they done that they, and they alone of all the People of this happy Iſland, muſt be diſinherited of their Birth-right, of their Inheritance? For Prohibition, Writs of *Habeas Corpus*, Writs of Errour, are the Birth-right, the Inheritance of the Subjects.

And 'tis here worth your Lordſhips Obſervation, that to thoſe many Prohibitions which have been granted from above, (for till of late the Court of *York* had not the Courage to oppoſe Prohibitions; nor indeed till our Courts here, had not the Courage to grant them) 'twas never known that Court pleaded the Juriſdiction of their Counſel; which without doubt they would have done upon the advantage of many great Perſons, in whoſe Protection they have always been, had they not known the Law, could not be miſinterpreted enough to allow it.

Your Lordſhips remember the Directions I mentioned of *Magna Charta*, That all Proceedings ſhall be *per legale judicium parium, & per legem terræ*; now theſe Juriſdictions tell you, you ſhall proceed according to your diſcretion; that is, you ſhall do what you pleaſe; only that we may not ſuſpect this diſcretion will be gentler and kinder to us than the Law, ſpecial Proviſion is made, no Fine, no Puniſhment ſhall be leſs than by the Law is appointed, by no means, but as much greater, as your diſcretion ſhall think fit: And indeed in this improvement we find Arbitrary Courts are very pregnant: If the Law require my good Behaviour, this diſcretion makes me cloſe Priſoner; if the Law ſets me upon the Pillory, this diſcretion appoints me to leave my Ears there.

But this proceeding according to diſcretion is no new Expreſſion, 'twas in the firſt Commiſſion I told your Lordſhips of in the 31 of *H.* 8. that they ſhould proceed *ſecundum legem & conſuetudinem Regni Angliæ, vel aliter ſecundum ſanas diſcretiones veſtras*; which in the Interpretation of the Law (and that is the beſt Interpretation) ſignifies the ſame thing. To proceed according to diſcretion, is to proceed according to Law, which is *ſumma diſcretio*; but not according to their private conceit or Affection; for *talis diſcretio* (ſaith the Law) *diſcretionem confundit*: and ſuch a confuſion hath this Diſcretion in theſe Inſtructions produced, as if Diſcretion were only removed from Rage and Fury. No Inconvenience, no Miſchief, no Diſgrace, that the Malice, or Inſolence, or Curioſity of theſe Commiſſioners had a mind to bring upon that People, but through the Latitude and Power of this Diſcretion hath been the Quickſand which hath ſwallowed up their Property, their Liberty. I beſeech your Lordſhips reſcue them from this Diſcretion.

Beſides, The Charge that this Court is to His Majeſty, which is near 1300 *l. per annum*, your Lordſhips will eaſily gueſs, what an unſupportable burthen, the many Officers (whoſe Places are of great value) the Attorneys, Clerks, and Regiſters, and above 1000 Sollicitors, that attend the Courts, muſt be to that People (inſomuch) that in truth the Country ſeems to be divided into Officers and Dependants upon that Court; and the People upon whom theſe Officers of that Court prey and commit Rapines, as he ſaid in *Petronius* *Omnes hic aut captantur, aut captant; aut cadavera quæ lacerentur, aut corvi qui lacerent.* Truly, my Lords, theſe vexed, worn People of the North, are not ſuitors to your Lordſhips, to regulate this Court, or to reform the Judges of it, but for extirpating theſe Judges, and the utter aboliſhing this Court; They are of *Cato*'s Mind, who would not ſubmit to *Cæſar* for his Life, ſaying,

saying, He would not be beholding to a Tyrant for Injuſtice, for it was Injuſtice in him to ſave a Mans Life, over whom he had no Power. 16 Car.

So theſe Gentlemen deſire not to be beholding to this Court hereafter for Injuſtice.

The very adminiſtration of Injuſtice, founded upon ſuch illegal Principles, being a Grievance and Oppreſſion to the Subject.

Firſt, Upon the whole Matter, the Houſe of Commons is of Opinion, that the Commiſſion and Inſtructions, whereby the Preſident and Council of the North Exerciſe a Juriſdiction, is Illegal, both in the Creation and Execution.

Secondly, that it is unprofitable to His Majeſty; for, beſides ſo much, near Thirteen hundred Pound, taken out of His Majeſty's Revenues every year; His Majeſty loſeth the great Benefit would accrue to him, upon Writs and upon Fines, upon Out-lawries and other Profits, which redound to His Majeſty out of his Courts here.

And which I had almoſt forgot to tell your Lordſhips of, That His Majeſty, may be ſure to have Benefit from that Court, notable care is taken, by the Fifty three Inſtructions, that if any Money remains over and above all diſburſements, it ſhall be beſtowed, in providing Houſhold Stuff, and Furniture for the Houſe, where the Lord Preſident and Council uſe to be.

And Laſtly, That it is inconvenient, and grievous to His Majeſty's Subjects of thoſe Parts.

And therefore, they are humble Suitors to your Lordſhips, and the Houſe of Commons, on this behalf, that ſince this People do, and have, in all Matters of Duty and Affection, contend with the beſt of His Majeſty's Subjects, that they may not be diſtinguiſhed from them, in the manner of His Majeſty's Juſtice and Protection, ſince this Court originally inſtituted and continued by His Majeſty, for the eaſe and benefit of his Subjects, is apparently inverted, to the Burthen and Diſcomfort of them, that your Lordſhips will joyn with the Houſe of Commons, in beſeeching His Majeſty, that the preſent Commiſſion may be revoked, and no more ſuch granted for the future.

This Day a Petition directed to both Houſes, was delivered to the Lords and Commons, from divers Citizens of *London*, the Copy whereof follows: *April* 24.

To the moſt Honourable Aſſembly of the Lords and Commons in this preſent Parliament.

The Humble Petition of divers Citizens of London,

Sheweth,

Petition of divers Citizens of *London*, to both Houſes of Parliament, *Apr.* 24. Setting forth Grievances and Fears.

THat notwithſtanding His Majeſty's Gracious Anſwer, to the Humble Petition of his Loyal Subjects, in Summoning this Parliament, with the great care and endeavoured pains taken by both Houſes, for the removing the heavy Grievances in Church and Commonwealth, whereof the Petitioners have already receiv'd ſome Fruit, for which they deſire to return their moſt humble and utmoſt Thanks: Yet nevertheleſs they are enforced, with all humility, to repreſent to this moſt Honourable Aſſembly, ſome of thoſe Obſtructions which do ſtill hinder that freedom and fulneſs of Trade in this City they have formerly had, and without which, conſidering the numerous Multitudes thereupon depending, they conceive this City cannot comfortably ſubſiſt.

As the unſetled Condition of the Kingdom, ever ſince the Troubles in *Scotland*, hath cauſed both Strangers, and alſo ſome of our own, who did furniſh great Summs of Money to uſe, at call it in, and remit much of

An. 1641 it by Exchange into Foreign Parts, and ſtand now in Expectation of what the iſſue of things may be.

The ſtopping Money in the Mint, which till then was accounted the ſafeſt place, and ſureſt Staple in theſe Parts of the World, ſtill doth hinder the Importation of Bullion; the *Scots* now diſabled to pay ſuch Debts as they owe to the Petitioners and others in the City; and by reaſon of the Oppreſſions exerciſed in *Ireland*; their Debts alſo are detained there.

The *Engliſh* Trade, by reaſon of our general Diſtractions and Fears, is ſo much decayed, that Country Trades-men cannot pay their Debts in *London* as formerly.

The great Sums of Money unduely taken by his Majeſty's Officers and Farmers, for Impoſitions upon Merchandize exported and imported, and the want of Relief in Courts of Juſtice againſt them.

The drawing out from the City great Summs of Money, (which is the Life and Spirit of Trade) for his Majeſty's Service in the *North*; and being there employed, is not yet returned.

Beſides all which, from what ſtrong and ſecret oppoſition, the Petitioners know not, they have not received what ſo much time and pains might give them Cauſe to hope, but ſtill Incendiaries of the Kingdom, and other notorious Offenders, remain unpuniſhed. The Affairs of the Church, notwithſtanding many Petitions concerning it, and long Debate about it, remain unſetled: The Papiſts ſtill armed, the Laws againſt them not executed; ſome of the moſt Active of them ſtill at Court; Prieſts and Jeſuits not yet baniſhed; the *Iriſh* Popiſh Army not yet disbanded; Courts of Juſtice not yet reformed; and the Earl of *Strafford*, who, as now appears, hath counſelled the plundering of this City, and putting it to Fine and Ranſom, and ſaid, It would never be well till ſome of the Aldermen were hang'd up, becauſe they would not yield to illegal Levies of Moneys, had ſo drawn out and ſpent this time in his Buſineſs, to the very great charge of the whole Kingdom, and his endeavour to obtain yet more; all which makes us fear there may be Practices now in Hand to hinder the Birth of your great Endeavours; and that we lie under ſome more dangerous Plot than we can diſcover.

All which Premiſſes, with the Fears and Diſtractions growing therefrom, and from things of the like nature, the Petitioners humbly offer to the moſt grave Conſideration of this moſt Honourable Aſſembly, as being the true Cauſes of decay of Trade, diſcouragement of Trades-men, and of the great ſcarcity of Moneys, with the Conſequences they labour under.

And do humbly pray, That their ſaid Grievances may be redreſſed, the Cauſes of their Fears removed, Juſtice executed upon the ſaid Earl, and other Incendiaries and Offenders, the rather, in regard till then the Petitioners humbly conceive, neither Religion, nor their Lives, Liberties, or Eſtates can be ſecured.

And, as in Duty bound, they ſhall ever Pray, &c.

20000 hands to the Petition.

Twenty thouſand Perſons, ſaid to be of good Rank and Quality, ſubſcribed this Petition.

After the ſame was read and conſidered, the Lord *Ruſſel* was ſent by the Commons to go up to the Lords with this Meſſage, to deſire a Conference by a Committee of both Houſes, concerning a Petition from divers Citizens of *London*, directed to both Houſes of Parliament.

Mr.

16 Car.

Mr. *Glyn* is ordered to manage this Conference, and Mr. *Hill* to aſſiſt him; and to deliver the Petition from the Citizens of *London* at this Conference, and thence to take occaſion of repreſenting the Deſires of this Houſe; likewiſe for the expediting of the Bill of Attainder of the Earl of *Strafford*.

Munday, April 26. Sir *Baſil Brook.*

The Serjeant informs the Houſe, That Sir *Baſil Brook* (whom he was ordered to take into cuſtody) cannot be found; whereupon it was ordered, That the Lords be moved to join with this Houſe, in a Requeſt to the King, that a Proclamation may iſſue forth againſt him.

Sir *Tho. Roe* continued a Member, tho' ſent Ambaſſador to *Germany*.

Sir *Thomas Roe*, nominated by his *Majeſty* to go Ambaſſador to the Imperial Diet of *Germany*, deſires the Favour of the Houſe, That he may ſtill (notwithſtanding that Employ) be continued a Member of that Houſe; which was granted accordingly.

Meſſage.

A Meſſage from the Lords by Judge *Reeves* and Judge *Heath*, That they are ready for a Conference, by a Committee of both Houſes, touching the Petition preſented from *London*, for which this Houſe ſent a Meſſage on *Saturday* laſt. —— Anſwer returned by the ſame Meſſengers, That this Houſe has taken their Lordſhips Meſſage into Conſideration, and will give a meeting preſently as is deſire.

Iriſh Army and Papiſts.

Reſolved, That one part of the Conference with the Lords, concerning the *London* Petition, ſhall be to move their Lordſhips, That they will take ſome ſhort time for deſiring Audience of his Majeſty, concerning the diſbanding of the *Iriſh* Army, and removing Papiſts from Court.

According to an Order, on *Saturday* laſt Mr. *Glyn*, and Mr. *Hill*, went up to manage this Conference; and Sir *Walter Earle* is ordered to manage Mr. *Pym*'s part, in reſpect of his abſence at this time.

Convocation and Canons.

The Houſe of Commons re-aſſuming the Conſideration of their former Votes, concerning the Convocation, and the Canons made by them, which the Houſe had declared to be againſt the Right of Parliament, and Property of the Subject, ordered a Bill to be brought in, for puniſhing and fining of the Members of the late Convocation of the Province of *Canterbury*; which was this Day read the ſecond time, and committed. When the Committee met upon the ſame, they paſſed ſeveral Votes as to Fines to be impoſed upon them; whereupon theſe Summs of Money following, were inſerted into the Draught of the Bill for that purpoſe prepared; but the Paper out of which this was taken, hath ſome Blanks (but not conſiderable) which cannot be ſupplied at preſent: That,

Fines intended upon the Members of the Convocation.

	l.		*l.*
William Laud, Archbiſhop of *Canterbury*, be fined	20000	Biſhop of *Briſtol*,	1000
W. Juxon Biſhop of *London*,	10000	Biſhop of *Oxford*,	1000
M. Wren, Biſhop of *Ely*,	10000	Biſhop of *Bangor*,	1000
Biſhop of *Bath* and *Wells*,	5000	Biſhop of *Llandaff*,	1000
Biſhop of *Worceſter*,	5000	Dean of *Canterbury*,	1000
Biſhop of *Litchfield*,	5000	Proctor,	1000
Biſhop of *Salisbury*,	5000		
Biſhop *Montague*,	5000	*Winchester*-Dioceſs.	
Biſhop *Duppa*,	5000		
Biſhop of *Hereford*,	3000	Dr. *Young*,	1000
Biſhop of St. *Davids*,	3000	..... *Haſley*,	300
Biſhop of *Gloceſter*,	2000	Archdeacon of *Winton*,	300
Biſhop of *Peterborough*,	1000	Proctors, each	200

An. 1641.

	l.
VVorceſter-Dioceſs.	
Dean of *VVorceſter*,	1000
.... *Smith*, Proctor,	1000
Archdeacon,	300
Two Clerks Proctors,	——
Saliſbury-Dioceſs.	
Dean of *Saliſbury*,	1000
Proctor for the Chapter,	1000
Archdeacon, *Barks*,	300
Chaſin, D—— Proctors, each	200
Coventry and *Litchfield.*	
Dean,	——
Proctor,	——
Archdeacon *Staffond*,	——
Glouceſter-Dioceſs.	
Dean of *Glouceſter*,	500
Proctor for the Chapter,	500
Archdeacon of *Glouceſter*,	500
Proctor for Clergy,	200
Exeter.	
Dean of *Exeter*,	2000
Proctor,	1000
Archdeacon,	300
Arch. *Cornwal*,	300
Arch. *Totnes*,	300
Arch. *Banſtible*,	300
Two Clerks,	——
Norwich.	
Dean of *Norwich*,	500
Proctor,	500
Archdeacon,	300
Arch. *Suſſex*,	300
Arch. *Suffolk*,	300
Two Proctors,	200
Aſaph.	
Dean of St. *Aſaph*,	500
Proctor,	500
....	300
Two Proctors,	200

	l.
Bath and *Wells.*	
Dean of *Bath* and *Wells*,	1000
Proctor,	1000
Archdeacon, *Wells*,	300
Archdeacon, *Bath*,	300
Two Proctors,	200
Oxford.	
Dean of *Chriſt-Church*,	1000
Proctor,	1000
Archdeacon of *Oxford*,	300
Two Clerks Proctors,	300
Hereford.	
Dean of *Hereford*,	1000
Proctor,	1000
Archdeacon,	300
Archdeacon, *Saly*,	300
Two Proctors,	200
Ely.	
Dean of *Ely*,	1000
Proctor,	1000
Archdeacon, *Ely*,	300
Proctors,	200
St. *Davids.*	
Dean of St. *Davids*,	500
Proctor,	500
Archdeacon,	300
Archdeacon, *Carmaerthen*,	300
Brecnock,	300
Cardigan,	300
Proctors, St. *David*,	200
Briſtol.	
Dean of *Briſtol*,	500
Proctor	——
Bangor.	
Dean of *Bangor*,	500
Proctor,	500
Archdeacon,	500
....	300

Meri

16 *Car.*

	l.
Merioneth.	
Archdeacon,	500
Two Clerks,	200
Rocheſter.	
Dean of *Rocheſter*,	500
Proctor,	500
Archdeacon,	500
Proctors, Dioceſs,	200
Chicheſter.	
Dean of *Chicheſter*,	1000
Proctor,	1000
Archdeacon of *Chicheſter*,	300
Archdeacon *Hewes*,	300
....	200
Peterborough.	
Dean of *Peterborough*,	500
Pocklington, Proctor,	500
Archdeacon, *Northampton*,	500
Proctor, *Peterborough*,	200
Llandaff.	
Dean of *Llandaff*,	500
Proctor,	500
Two Proctors,	200
Lincoln.	
Dean of *Lincoln*,	1000
Proctor,	1000
Archdeacon,	300
Archdeacon of———	——
Archdeacon of *Leiceſterſhire*,	——
Huntington,	——
Bedford,	——
Weſtminſter.	
Dean of *Weſtminſter*,	1000
Windſor.	
Dr. *Wren*,	1000
Proctor,	500

Further enacted, That all the Clergy in the Province of *York*, ſhall incurr theſe Fines:

	l.
Archbiſhop of *York*, &c.	——
Archdeacon of *York*,	——
Archdeacon, *Eaſt-Riding*,	——
Proctors,	200
Proctor, *Southwell*,	——
Durham.	
Dean of *Durham*,	1000
Proctor,	——
Archdeacon,	——
Morecroft,	200
James,	——

In the Draught of the Bill, of which this is a ſhort Abſtract, it was further ſpecified, That the ſeveral Fines ſhall be paid to the Earls therein named, or any four or more of them, to the Uſe hereafter named.

And if the Fines be unpaid, That it is then lawful for thoſe Lords to receive all the Rents and Profits belonging to any of the Archbiſhops or Biſhops, Deans or Archdeacons, till all be paid in.

To appoint ſome Place in *London*, where this Money ſhall be paid in.

To allow Sallary for Attendance of Perſons employ'd.

Any four of them to call before them the Auditors of any of thoſe ſo charged, to know the true value of any Rents belonging unto them.

And the ſaid Money ſo received, ſhall be diſburſed for Relief of the King's Army and Northern Parts, or to ſuch Uſes as by Parliament ſhall be declared.

An. 1641. *April* 7. Eccleſiaſtical Courts. *John James.*

A Bill for regulating Abuſes in Eccleſiaſtical Courts, was read the firſt time.

A Bill for the Forfeiture of the Lands and Hereditaments of *John James*, and for his further Puniſhment, for ſtabbing Juſtice *Heywood*, was read a ſecond time, and committed.

Meſſage.

Mr. Treaſurer informs the Houſe, That the King expects both Houſes to-morrow at Two of the Clock, to attend him at the *Banquetting-Houſe* at *White-hall*, to receive his Anſwer about disbanding of the *Iriſh* Army, diſarming of Recuſants, and removing them from Court.

April 28. Motives for a Faſt.

A Report was this Day made from the Committee, for a *Faſt*, of the Motives thereunto, *viz.* That notwithſtanding our former Humiliations, many Dangers and Fears yet remained, ſmall Progreſs in Affairs either in Church or State; after many laborious Endeavours, the multitude of Evils both in Church and Commonwealth generally complained of, which require a great and general Humiliation, for the averting God's Judgments juſtly due to us, and particularly threatned in a contagious Sickneſs now begun amongſt us; the obtaining of good Succeſs in the Reformation of the Church now generally deſired and expected; an happy and ſetled Peace between the two Kingdoms; God's Bleſſing and Direction of his Majeſty, and the whole Parliament, and great Affairs of the Church and Commonwealth.

To ſend for Records.

Ordered, That Mr. Sollicitor have power to ſend for Records to maintain the Point of Law againſt the Earl of *Strafford*.

Report, That *Strafford* deſigns an eſcape

Mr. *Hide* went up to the Lords with a Meſſage, That the Houſe hath received Information, which hath moved ſome fear in them, *That the Earl of* Strafford *may have a Deſign to make an Eſcape:* That he hath Ships at Sea at command; and that the Guard about him is weak, and therefore deſire their Lordſhips, That he may be *cloſe Priſoner*, and his Guards ſtrengthned; to which the Lords conſent

Both Houſes this Afternoon waiting on his Majeſty (according to his Appointment) at *White-hall*; he was pleaſed to return his Royal Anſwer to their Deſires before intimated unto him, in the Words following:

King's Speech, *Wedneſday*, *April* 28.

My Lords and Gentlemen;

FOr Anſwer to your Deſires, I ſay,

Firſt, Concerning the removal of *Papiſts* from Court, I am ſure you all know what legal Truſt the Crown hath in this particular; and therefore I need not ſay any thing to give you Aſſurance, That I ſhall uſe it ſo, that there ſhall be no juſt cauſe of ſcandal.

Secondly For diſarming of *Papiſts*, I am very well content it ſhall be done according to Law.

Thirdly, For the *Iriſh* Army, you muſt underſtand I am already upon conſultation how to disband it; but I find many Difficulties in it: Therefore I hold it not only fit to wiſh it, but to ſhew the way how it may be conveniently done.

This is not all I deſire; but ſince you have mentioned the disbanding of Armies, it is my Duty to my Country to wiſh for disbanding of all Armies, and to reſtore the ſame Peace to all my Three Kingdoms, that the King my Father did leave them in: And I conjure you, as you will anſwer the ſame to God and to the Country, to join with me heartily and ſpeedily, for the disbanding of the two Armies in *England*: To which end, there are two things requiſite; Money, and the Concluſion of the *Scots* Treaty. You are Maſters of the one, and, with me, you are Judges of the other; this being a fit time to put you in mind of it, becauſe you have now all the Treaty before you. I aſſure you none of you ſhall ſhew more Induſtry and Willingneſs for the ſetting of all things in a peaceable way than my ſelf.

The

16 Car.

The Bill for deſtroying *Turkiſh* Pirates, read the third time, and paſſed.

April 29.

The Committees for the Miniſters Remonſtrance and *Cheſter*-Petition, to meet.

The Speaker to report to-morrow Morning the King's Anſwer, touching the disbanding of the *Iriſh* Army, *&c.*

April 30.

Upon the Petition of ſeveral Reformado-Officers of his Majeſty's Army, it was,

Ordered, That the ſaid Reformado-Officers have a Month's Pay firſt paid unto them.

Remonſtrance

Ordered, That the Remonſtrance of the ſtate of the Kingdom, and Petition, be reported to-morrow.

That Mr. Sollicitor be required from this Houſe, to bring in a perfect Copy of his Argument yeſterday in *Weſtminſter*-Hall, about the Earl of *Strafford*; and likewiſe, That Mr. *Pym* bring in a Copy of his Speech there ſpoken.

Speeches.

Saturday, May 1.

Inſtructions for the Preſervation of Timber-Trees were read; and,

Timber-trees.

Ordered, That Mr. Treaſurer ſhall preſent the ſame to his Majeſty; with a Deſire from this Houſe, That Commiſſions may iſſue forth, according to theſe Inſtructions.

The Gentleman-Uſher acquainted the Commons, That his Majeſty was at the Houſe of Peers, and expected their Attendance there; whither they being come, his Majeſty made this Speech to both Houſes.

The King's Speech, in favour of the Earl of Strafford.

My Lords;

May 1.

I Had not any intention to have ſpoken to you of this Buſineſs this Day, which is the great Buſineſs of the Earl of *Strafford*, becauſe I would do nothing that might ſerve to hinder your Occaſions: But now it comes ſo to paſs, That ſeeing of neceſſity I muſt have part in the Judgment, I think it moſt neceſſary for me to declare my Conſcience therein: I am ſure you all know, that I have been preſent at the hearing of this great Caſe, from the one end to the other; and I muſt tell you, That I cannot in my Conſcience condemn him of High-Treaſon; it is not fit for me to argue the Buſineſs; I am ſure you will not expect that; *a poſitive Doctrine beſt becomes the Mouth of a Prince*: Yet I muſt tell you Three great Truths, which I am ſure no body knows ſo well as my ſelf: (1.) That I never had any Intention of bringing over the *Iriſh* Army into *England*; nor never was adviſed by any body ſo to do. (2.) That there was never any Debate before me, neither in publick Council, nor at private Committee, of the Diſloyalty of my *Engliſh* Subjects, nor ever had I any ſuſpicion of them. (3.) I was never counſelled by any, to alter the leaſt of any of the Laws of *England*, much leſs to alter all the Laws: Nay, I muſt tell you this, I think no-body durſt ever be ſo impudent to move me in it; for if they had, I ſhould have put ſuch a Mark upon them, and made them ſuch an Example, that all Poſterity ſhould know my Intentions by it; for my Intention was ever to govern according to Law, and no otherwiſe.

I deſire to be rightly underſtood: I told you in my Conſcience I cannot condemn him of High-Treaſon; yet I cannot ſay I can clear him of Miſdemeanors: Therefore I hope that you may find a way for to ſatisfie Juſtice and your own Fears, and not to preſs upon my Conſcience. My Lords, I hope you know what a tender thing CONSCIENCE is; yet I muſt declare unto you, That to ſatisfie my People, I would do great matters; but this of *Conſcience*, no Fear, no Reſpect whatſoever, ſhall ever make me go againſt it. Certainly I have not ſo ill deſerved of the Parliament at this time, that they ſhould preſs me in this tender point; and therefore I cannot expect that you will go about it.

Nay, I muſt confeſs for matter of Miſdemeanors, I am ſo clear in that, that tho' I will not chalk out the way, yet let me tell you, That I do think my Lord *Strafford* is not fit hereafter to ſerve me or the Commonwealth, in any Place of Truſt, no, not ſo much as that of a *Conſtable*. Therefore I leave it to you, my Lords, to find

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ſome ſuch way as to bring me out of this great ſtreight, and keep our ſelves and the Kingdom from ſuch Inconveniences: certainly he that thinks him guilty of High-Treaſon in his Conſcience, may condemn him of Miſdemeanor.

The Houſe of Commons, as ſoon as they came back to their own Houſe from the King's Speech, ſeemed to be much troubled and diſcontented with what the King had ſpoken concerning the Earl of *Strafford*, and immediately adjourn'd till *Monday*.

Sunday, May 2. Lady *Mary* married to the Prince of *Orange*.

This day was ſolemniz'd at *White-hall* the Marriage between the young Prince of *Orange*, and the Lady *Mary* his Majeſty's eldeſt Daughter.

May 3. The Bill againſt Biſhops paſs'd in the Commons. Houſe.

The Bill againſt the *Biſhops and Clergy exerciſing temporal Juriſdiction*, read a third time, and paſſed; and *Mr. Goodwin* ordered to carry up this Bill, and the Bill againſt *Turkiſh Pirates*, to the Lords for their Concurrence.

That the Aſſent to the Bill of Subſidies ſhall not determine this Seſſion.

Ordered, That *Mr. Selden*, *Mr. Whitlock*, *Mr. Glyn*, and Serjeant *Wyld*, retire immediately into the Committee Chamber to inſert a Clauſe into the Bill of Subſidies, that neither the paſſing of that Bill, nor any other, ſhall *determine this Seſſions of Parliament*.

Diſcovery of a Plot againſt the Parliament.

Mr. Pym makes known to the Houſe, That there are divers Informations given of deſperate Deſigns, both at home and abroad, againſt the Parliament and the Peace of the Nation; and that the Perſons engaged therein, are under an Oath of Secrecy: That there is an endeavour to diſaffect the Army, not only againſt the Parliament's Proceedings, but to bring them up againſt the Parliament to over-awe them: That there is alſo a deſign upon the Tower; and endeavours uſed for the Earl of *Strafford to eſcape*.

That theſe Combinations at home, have a Correſpondency with Practices abroad: And that the *French* are drawing down their Forces amain to the Sea-ſide: And that there is Cauſe to fear their Intent is upon *Portſmouth*.

That divers Perſons of eminency about the Queen, as by good Information appears, are deeply engaged in theſe Plots: That it is neceſſary, that the Ports be ſtopt: and that his Majeſty be deſired to command, That no Perſon attending upon the King, Queen, or Prince, do depart without leave of his Majeſty, with the humble Advice of his Parliament.

Hereupon the Houſe fell into ſerious Debate of this matter; and were generally of Opinion, That it was neceſſary to enter into a common Reſolution for the common Safety. Amongſt others, Sir *John Wray* ſpake thus.

Sir John Wray's *Speech.*

Mr. Speaker,

May 3. IF ever we intend to perfect and finiſh the great Works we have begun, and to come to our Journeys end, let us take and follow the right way, which is *Via tuta*: And that, in a Word, is to become Holy Pilgrims (not Popiſh) and to endeavour to be Loyal Covenanters with God and the King; firſt binding our ſelves by a Parliamentary and National Oath (not a *Straffordian* nor a Prelatical one) to preſerve our Religion entire and pure, without the leaſt compound of Superſtition or Idolatry: Next, to defend the Defender of the Faith, his Royal Perſon, Crown, and Dignity, and maintain our Sovereign in his Glory and Splendor, which can never be eclipſed, if the Balance of Juſtice go Right, and his Laws be duly executed. Thus doing, *Mr. Speaker*, and making *Jeruſalem* our chieteſt Joy, we ſhall be a bleſſed Nation, and an happy People.

People. But if we ſhall let go our Chriſtian hold, and loſe our Parliament-Proof, and old *Engliſh* well-temper'd Mettle, let us take heed that our Buckler break not, our Parliaments melt not, and our Golden Candleſtick be not removed; which let me never live to ſee, nor *England* to feel the want of. 16 *Car.*

The Houſe at laſt came to a Reſolution of taking a *Proteſtation*; which being referred to a Committee to draw up the ſame in form, was approved of by the Houſe, being in theſe Words.

The PREAMBLE.

WE the Knights, Citizens, and Burgeſſes of the Commons Houſe in Parliament, finding, to the Grief of our Hearts, that the Deſigns of the Prieſts and Jeſuits, and other Adherents to the See of *Rome*, have of late more boldly and been frequently put in Practice than formerly, to the undermining and danger of the ruin of the true Reformed Religion, in his Majeſty's Dominions eſtabliſhed: and finding alſo that there have been, and having cauſe to ſuſpect there ſtill are, even during the ſitting in Parliament, endeavours to ſubvert the Fundamental Laws of *England* and *Ireland*; and to introduce the exerciſe of an Arbitrary and Tyrannical Government, by moſt pernicious and wicked Counſels, Practices, Plots, and Conſpiracies; and that the long intermiſſion, and unhappier Breach of Parliaments, hath occaſioned many illegal Taxations: Whereupon the Subjects have been proſecuted and grieved, and that divers Innovations and Superſtitions have been brought into the Church; multitudes driven out of his Majeſty's Dominions, Jealouſies raiſed and fomented between the King and his People; and a Popiſh Army levyed in *Ireland*; and two Armies brought into the Bowels of this Kingdom, to the hazard of his Majeſty's Royal Perſon, the Conſumption of the Revenue of the Crown, and the Treaſure of this Realm. And laſtly, finding the great Cauſes of Jealouſie, that endeavours have been, and are uſed to bring the *Engliſh* Army into miſunderſtanding of this Parliament, thereby to encline that Army by force, to bring to paſs thoſe wicked Counſels, have therefore thought good to join our ſelves in a Declaration of our united Affections and Reſolutions, and to make this enſuing Proteſtation.

The PROTESTATION.

The Proteſtation taken by the Houſe of Commons, *May* 3.

I A. B. *Do in the preſence of Almighty God, promiſe, vow, and proteſt to maintain and defend as far as lawfully I may, with my Life, Power and Eſtate, the true reformed Proteſtant Religion, expreſſed in the Doctrine of the Church of* England, *againſt all Popery and Popiſh Innovation within this Realm, contrary to the ſaid Doctrine; and according to the Duty of my Allegiance I will maintain, and defend his Majeſty's Royal Perſon, Honour, and Eſtate.*

Alſo the Power and Priviledge of Parliaments, the Lawful Rights and Liberties of the Subjects, and every Perſon that ſhall make this Proteſtation, *in whatſoever he ſhall do in the lawful Purſuance of the ſame; and to my Power, as far as lawfully I may, I will oppoſe, and by all good ways and means, endeavour to bring condign Puniſhment on all ſuch as ſhall by Force, Practice, Counſels, Plots, Conſpiracies, or otherwiſe do any thing to the contrary in this preſent* Proteſtation *contained: And further, That I ſhall in all Juſt and Honourable ways, endeavour to preſerve the Union and Peace betwixt the three Kingdoms of* England, Scotland, *and* Ireland; *And neither for Hope, Fear, or any other Reſpects, ſhall relinquiſh this* Promiſe, Vow, *and* Proteſtation.

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This *Proteſtation* was generally taken by the Members then preſent, and by others afterwards, whoſe Names are herein after inſerted.

A Committee appointed to meet preſently to draw up a Letter to be ſent to the Army, and to think of Proviſions of Cloths, *&c.* to be ſent unto them; and the Letter to be ſent by an Expreſs.

And the Author of theſe Collections, was ſent therewith accordingly.

A Meſſage ſent to the Lords concerning the Plot. *May* 3.

A Meſſage was ſent to the Lords, to acquaint them, That the Commons had juſt Cauſe and Ground to ſuſpect, that there hath been, and ſtill is a ſecret Practice, to diſcontent the Army with the Proceedings of the Parliament, to engage them in ſome deſign of dangerous conſequence to the State; and by ſome miſchievous ways, to prevent the happy Succeſs and Concluſion of this Aſſembly, and to deſire their Lordſhips, that a ſelect Committee might be appointed to take the Examinations upon Oath, concerning this deſperate Plot and Deſign, in the preſence of ſome of the Commons; and to move his Majeſty, in the Name of the Parliament, That upon this Great and weighty occaſion, no Servant of his Majeſty, the Queen, or Prince, may depart the Kingdom without leave of his Majeſty, with the Advice of his Parliament, until they appear and be examined.

At the ſame time the Commons paſſed ſeveral *Reſolves*, in order to the Security of the Nation, *viz.* That ſtrict enquiry be made what Papiſts, Prieſts, and Jeſuits, be now about the Town; That Fifteen hundred Barrels of Powder going to *Portſmouth* may be ſtayed: That the Forces in *Wiltſhire* and *Hampſhire*, be drawn towards *Portſmouth*: and the Forces in *Kent* and *Suſſex*, towards *Dover*: And they did declare, That whoſoever ſhould give Counſel or Aſſiſtance, or joyn any manner of way to bring any Foreign Force into the Kingdom, unleſs it be by command from his Majeſty, with conſent of both Houſes of Parliament, ſhall be adjudged and reputed as publick Enemies to the King and Kingdoms.

Theſe *Reſolves* the Commons made known to the Lords for their Concurrence; and alſo deſired them to move his Majeſty for the ſtop of the Ports; and that the Lord Admiral ſhould place ſuch Truſty Commanders in the Ships, for the Security of the Nation, as they could confide in; in all which, the Lords did moſt readily concur.

Futhermore, the Commons did communicate to the Lords the *Proteſtation* which they had taken in their Houſe, deſiring their Lordſhips that every Member of their Houſe would take the ſame: Which *Proteſtation* was carried up by Mr. *Denzil Hollis*, and Mr. *Maynard*, of the Houſe of Commons, reading the ſame unto the Lords; Mr. *Hollis* whereupon made this enſuing Speech.

Mr. Denzil Hollis *his Speech to the Lords at the Delivery of the* Proteſtation, May 4. 1641.

My Lords,

THE Knights, Citizens, and Burgeſſes of the Houſe of Commons, having taken into their ſerious Conſideration, the preſent Eſtate and Condition of this Kingdom; they find it ſurrounded with variety of pernicious and deſtructive Deſigns, Practices, and Plots againſt the well-being of it, nay the very Being of it; and ſome of theſe Deſigns hatched within our own Bowels, and Viper-like, working our Deſtruction.

They find *Jeſuits* and *Prieſts* conſpiring with ill Miniſters of State to deſtroy our Religion. They find ill Miniſters conjoined together to ſubvert our Laws and Liberties.

They

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They find Obſtructions of Juſtice, which is the Life-Blood of every State; and (having a free Paſſage from the Sovereign Power, where it is primarily ſeated, as the Life-Blood in the Heart, and thence derived through the ſeveral Judicatories, as through ſo many Veins, into all the parts of this great Collective Body) doth give Warmth and Motion to every Part and Member, which is nouriſhed and enlivened by it; but being once precluded, ſtopped, and ſeared up, as the particular muſt of neceſſity faint and languiſh, ſo muſt the whole Frame of Government be diſſolved, and conſequently Sovereignty it ſelf; which, as the Heart in the Body, is *Primum vivens, & ultimum moriens*, muſt die and periſh in the general Diſſolution, and all things return, as in the beginning, *in antiquum Chaos.*

They find the Propriety of the Subject invaded and violated, his Eſtate rent from him by illegal Taxations, Impoſitions, Monopolies, and Projects (almoſt upon every thing which is for the uſe of Man) not only upon Superfluities, but Neceſſaries; and this to enrich the Vermin and Caterpillars of the Land, and to impoveriſh the Good, *to take the Meat from the Children, and give it to Dogs.*

My Lords, if we find theſe things ſo, we muſt conceive, they muſt be ill Counſels, which have brought us into this Condition; theſe Counſels have put all into a Combuſtion, have diſcouraged the Hearts of all true *Engliſhmen*, and have brought two Armies into our Bowels, which (as the *Vulture* upon *Prometheus*) eat through our ſides, and gnaw our very Hearts.

Hinc dolor: ſed unde medicina.

Heretofore Parliaments were the *Catholicon*, the *Balm* of *Gilead*, which healed our Wounds, reſtored our Spirits, and made up all the Breaches of the Land, but of late Years they have been like the *Fig-tree* in the Goſpel, without Efficacy, without Fruit, only deſtructive to the Particular Members, who diſcharge their Duties and Conſciences; no way beneficial to the Common-wealth, *Nobis exitialible, nec Reipub. profuturum*, as he ſaid in *Tacitus*; commonly taken away as *Elias* was, with a Whirl-wind, never coming to any Maturity, or to their natural end: Whereas they ſhould be like that bleſſed old Man, which dyeth (*Plenus dierum*) in a full Age, after he had fought a good Fight, and overcome all his Enemies; as the Shock of Wheat which cometh in due Seaſon, to fill our Granaries with Corn, uphold our lives with the Staff of Bread. For Parliaments are our *panis quotidianus*, our True Bread; all other ways are but *Quelques Choſes*, which yield no true Nouriſhment, breed no good Blood.

This very Parliament, which hath ſat ſo long, hath all this while but beaten the Air, and ſtriven againſt the Stream; for I may truly ſay, Wind and Tide have ſtill been againſt us.

The ſame ill Counſels which firſt raiſed the Storm, which almoſt ſhip-wrack'd the Common-wealth, do ſtill continue; they blow ſtrong, like the *Eaſt*-wind that brought the *Locuſts* over the Land.

Theſe Counſels croſs our Deſigns, caſt Difficulties in our way, hinder our Proceedings, and make all that we do to be fruitleſs and ineffectual; they make us to be not Maſters of our Buſineſs, and ſo not Maſters of Money; which hath been the great buſineſs of this Parliament, that we might pay the Armies according to our Promiſes and Engagements.

For, *my Lords*, our not effecting of the good things which we had undertaken for the good of the Church and Common-wealth, hath wounded our Reputation, and taken off from our Credit.

Is it not time then, *my Lords*, that we ſhould unite and concentrate our ſelves in regard of this Antiperiſtaſis and Circumvallation of hurtful and malicious Intentions and Practices againſt us? (*My Lords*) it is moſt agreeable to Reaſon, in reſpect of the preſent Conjuncture of Affairs: for one main Engine by which our Enemies work our Miſchief, is by infuſing an Opinion and Belief into the World, That we are not united amongſt our ſelves, but that, like *Sampſon*'s Foxes, we draw ſeveral ways, and tend to ſeveral ends.

To defeat then the Counſels of theſe *Achitophels*, which would involve us, our Religion, our King, our Laws, our Liberties, all that can be near and dear unto us, in one univerſal and general Deſolation; to defeat (I ſay) the Councils of

An. 1641 ~~such *Achitophels*~~, the Knights, Citizens, and Burgeſſes of the Houſe of Commons (knowing themſelves to be ſpecially entruſted with the preſervation of the whole, and in their Conſciences perſuaded, that the Dangers are ſo imminent that they will admit of no delay) have thought fit to declare their united Affections, by entring into an Aſſociation amongſt themſelves, and by making a ſolemn *Proteſtation* and Vow unto their God, That they will unanimouſly endeavour to oppoſe and prevent the Counſels and Counſellors, which have brought upon us all theſe Miſeries, and fears of greater, to prevent the Ends, and bring the Authors of them to condign Puniſhment, and thereby diſcharge themſelves both before God and Man.

The *Proteſtation* your Lordſhips ſhall have read unto you, together with the Grounds and Reaſons which have induced the Houſe of Commons to make it.

A Catalogue of the Members of the Houſe of Commons, who took the Proteſtation, May 3. 1641. *and at ſeveral times afterwards, as they ſtand entred in the Journal of the Houſe of Commons.*

William Lenthal, Eſq; Speaker.
Sir *Edward Bainton.*
James Cambel, Eſq;
Sir *John Heal.*
Thomas Tomkins, Eſq;
Sir *John Finch.*
James Lord *Compton.*
Sir *Henry Anderſon.*
Sir *Harbottle Grimſton.*
Sir *Robert Bye.*
Arthur Capel, Eſq;
Sir *Arthur Ingram.*
Ferdinan. Lord *Fairfax.*
Sir *Henry Mildmay.*
Sir *William Armyn.*
Sir *Roger North.*
Sir *Walter Devereux.*
Thomas Hatcher, Eſq;
Sir *Chriſtopher Yelverton.*
William Lord *Ruſſel.*
Sir *Philip Stapleton.*
Henry Pelham, Eſq;
Henry Cholmley, Eſq;
Sir *John Hotham.*
William Strode, Eſq;
Nathaniel Fiennes, Eſq;
Henry Marten, Eſq;
John Badvile, Eſq;
Sir *Patrivius Curwin.*
Edw. Mountague, Eſq;
Geo. Mountague, Eſq;
Rich. Shuttleworth, Eſq;
John Moore, Eſq;
Sir *Simon D'Ewes.*
Sir *John Wray.*
Sir *Chriſtopher Wray.*
Sir *Martin Lumley.*
Herbert Morley, Eſq;
Thomas Lord *Grey.*
Roger Burgoign, Eſq;
Rich. Shugburrough, Eſq;
Sir *Edw. Hungerford.*
Sir *John Curſon.*
Will. Pierpoint, Eſq;
John Waſtall, Eſq;
Hugh Owen, Eſq;
Sir *William Stanhop.*
Norton Knatchbull, Eſq;
Sir *Edward Hales.*
Henry Vaughan, Eſq;
Edward Kirton, Eſq;
Edward Bagſhaw, Eſq;
Sir *Walter Smith.*
Rich. Harding, Eſq;
Geoffry Palmer, Eſq;
Bulſtrode Whitlock, Eſq;
William Price, Eſq;
Henry Lucas, Eſq;
Gilb. Millington, Eſq;
Sir *Tho. Hutchinſon.*
Sir *William Morley.*
Sir *Hen. Bellingham.*
Sir *John Franklyn.*
Sir *John Clotworthy.*
Sir *Edward Mountfort.*
William Cage, Eſq;
Jo. Northcot, Eſq;
Sir *Tho. Middleton.*
Sir *John Salisbury.*
Sir *Robert Napier.*
Sir *Ralph Verney.*
Tho. Lower, Eſq;
Fran. Gerrard, Eſq;
Peregrine Pelham, Eſq;
John Pym, Eſq;
Sir *Ben. Rudyard.*
William Herbert, Eſq;
William Digby Eſq;
George Lord *Digby.*
Sir *Ralph Hopton.*
Sir *Gilbert Gerrard.*
Lord *Ruthyn.*
Sir *Nevil Pool.*
Sir *George Dalſton.*
Sir *Thomas Bowyer.*
John Hambden, Eſq;
Denzil Hollis Eſq;
Jo. Maynard, Serj. at Law.
Sir *Robert Harley.*
Jo. Glyn, Serj. at Law.
John Selden Eſq;
Sir *John Culpeper.*
Sir *Tho. Barrington.*
John Vaughan, Eſq;
Lord Viſc. *Faulkland.*
William Plydall, Eſq;
Sir *Will. Widdrington.*
Rich. Barvis, Eſq;
Humphrey Hook, Eſq;
Rob. Trelawney, Eſq;
Sir *Edward Maſters.*
John Coucher, Eſq;
Sir *William Strickland.*
Sir *Edward Boyce.*

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Sir *Tho. Walſingham.*
Sir *Peter Wroth.*
Tho. Maleverer, Eſq;
Sir *Edw. Bamton.*
Sir *John Pawlet.*
Oliver Cromwell, Eſq;
Sir *Gilbert Pickering.*
Sir *Tho. Widdrington.*
Will. Whitacre, Eſq;
Mich. Oldsworth, Eſq;
Sir *John Harriſon.*
Sir *Hugh Cholmley.*
Sir *Henry Herbert.*
Iſaac Pennington, Ald.
George Peard, Eſq;
Sir *Robert Howard.*
Sir *Richard Wynn.*
Edmund Dunch, Eſq;
Edmund Prideaux, Eſq;
Giles Green, Eſq;
Dennis Bond, Eſq;
Roger Matthews, Eſq;
Tho. Fountain, Eſq;
Charles Price, Eſq;
Henry Vernon, Eſq;
Lord *Liſle.*
Edw. Douce, Eſq;
Robert Scawen, Eſq;
Sir *Tho. Fanſhaw.*
Sir *Dudley North.*
Laur. Whitacre, Eſq;
Sir *Humphrey Tuſton.*
Henry Hayman, Eſq;
Tho. Hebblethwait, Eſq;
Arthur Jones, Eſq;
Will. Bell, Eſq;
John Harvey, Eſq;
John Aſh, Eſq;
George Gallop, Eſq;
John Naſh, Eſq;
Edward Aſh, Eſq;
Rich. Seabourn, Eſq;
Cornelius Holland, Eſq;
Sir *John Eveling.*
Joſeph Jane, Eſq;
Sir *Philip Parker.*
Arthur Anſlow, Eſq;
George Hartnall, Eſq;
Richard Weſton, Eſq;
John Goodwin, Eſq;
Nath. Stephens, Eſq;
John White, Eſq;
Sir *Edw. Griffith.*
Sir *Fred. Cornwallis.*
Sir *Ralph Sydenham.*

Fitz-will. Conisby, Eſq;
Baptiſt North, Eſq;
Rich. Alborough, Eſq;
Orlando Bridgeman, Eſq;
Dr. *Samuel Turner.*
Sir *Edw. Patherick.*
Sir *Peter Temple.*
Robert Holborn, Eſq;
Ralph Snead, Eſq;
Poynings Moor, Eſq;
Sir *William Lewis.*
Peter Venables, Eſq;
Henry Killegrew, Eſq;
John Harris, Eſq;
John Moſton, Eſq;
Peter Leigh, Eſq;
Dr. *Tho. Eden.*
William Glanvile Eſq;
Arthur Godwin, Eſq;
Roger Palmer, Eſq;
Touch Tate, Eſq;
John White, Eſq;
Richard Moor, Eſq;
Richard Roſe, Eſq;
Will. Wheeler, Eſq;
Tho. Pury, Eſq;
William Purefoy, Eſq;
Rob. Jennour, Eſq;
William Spurſtow, Eſq;
Henry Wilmot, Eſq;
Col. *Aſhburnham.*
Hugh Pollard, Eſq;
Simon Snow, Eſq;
Rich. Terris, Eſq;
Jo. Aſhburnham, Eſq;
Edw. Thomas, Eſq;
Serjeant *Wild.*
Humph. Salloway, Eſq;
Sir *Tho. Leeds.*
William Harnion, Eſq;
Sir *Jervaſe Clifton.*
John Coventry, Eſq;
William Herbert, Eſq;
Sir *George Wentworth.*
Edward Seymour, Eſq;
Edw. Wingate, Eſq;
Jo. Bellaſis, Eſq;
Fran. Newport, Eſq;
Lord *Crainbourn.*
Robert Cecil, Eſq;
Sir *Hen. Vane*, Mr. Treaſurer.
Sir *William Litton.*
Sir *John Jennins.*
Sir *Oliver Luke.*

Anthony Nichols, Eſq;
John Broxholm, Eſq;
George Buller, Eſq;
James Fines Eſq;
Nicholas Weſton, Eſq;
Binian Weſton, Eſq;
Jo. Alured, Eſq;
Sir *Beauchamp St. Johns.*
Sir *Richard Anſlow.*
Sir *John Corbet.*
Sir *John Parker.*
Sir *Robert Parkhurſt.*
Sir *Ambroſe Brown.*
Sir *Sam. Oldfield.*
Sir *Richard Buller.*
Alex. Carew, Eſq;
Sir *Nath. Barnardiſton.*
Edw. Ownor, Eſq;
Tho. Toll, Eſq;
John Polwheel, Eſq;
Simon Thellwell, Eſq;
Oliver St. John, Sol. Gen.
Sir *Will. Allanſon.*
John Crew, Eſq;
Richard Catlyn, Eſq;
Rob. Godwin, Eſq;
Jo. Blakiſton, Eſq;
Sir *William Brereton.*
Miles Corbet, Eſq;
Philip Smith, Eſq;
Sir *Richard Vivian.*
Henry Ravenſcroft, Eſq;
Sir *Tho. Middleton.*
Rich. Knightley, Eſq;
Ralph Aſhton, Eſq;
Will. Fitz-williams, Eſq;
Henry Bellaſis, Eſq;
Sir *Edward Aſcough.*
Sir *Edward Stowel.*
Tho. Chicheley, Eſq;
Sir *John Price.*
Hugh Rogers, Eſq;
John Wogan, Eſq;
Will. Mallory, Eſq;
Henry Brett, Eſq;
John Trevanian, Eſq;
Walter Lloyd, Eſq;
Sir *Richard Leigh.*
Oliver Upton, Eſq;
Sir *Tho. Ingram.*
Sir *Robert Crane.*
Jo. Arundel, Eſq;
Jonathan Ruſhley, Eſq;
Richard Arundel, Eſq;
John Waddon, Eſq;

John

An. 1641.

Jo. Pierceval, Eſq;
Sir *Will. Portman.*
Sir *Theob. George.*
Tho. Smith, Eſq;
Sir *Mart. Liſter.*
Sir *Tho. Cheek.*
Anth. Beddingfield, Eſq;
Sir *Tho. Smith.*
Ralph Aſhton, Eſq;
John Potts, Eſq;
Fran. Rouſe, Eſq;
Sir *Hen. Baggot.*
Simon Norton, Eſq;
Sam. Evers, Serjeant at Law.
Edm. Waller, Eſq;
Syd. Godolphin, Eſq;
John Alford, Eſq;
Cha. Williams, Eſq;
Rich. Herbert, Eſq;
Sir *Edw. Alford.*
Sir *Will. Playters.*
Sir *Guy Palmes.*
Sir *Geo. Wentworth.*
Lord *Mansfield.*
Sir *Will. Carnaby.*
Fran. Glanvile, Eſq;
Sir *John Stepney.*
Sir *John Brook.*
Jo. Fenwick, Eſq;
Will. Chadwell, Eſq;
Alex. Lutterel, Eſq;
John Borlace, Eſq;
Sir *Hen. Slingsby.*
Sir *John Cook.*
Tho. Cook, Eſq;
Rich. Boyle, Lord *Dungarvan.*
Edw. Pooll, Eſq;
Rog. Hill, Eſq;
Sir *Edm. Varney.*
Sir *Rich. Leveſon.*
John Griffith, Eſq;
Mat. Davies, Eſq;
John Fettiplace, Eſq;
Geo. Loe, Eſq;
Rich. Edgcomb, Eſq;
Sir *Edw. Rodney.*
Sir *Edw. Deering.*
Sir *Arth. Haſlerig.*
Sir *Fran. Barnham.*
Sir *Tho. Gervaſe.*
Rob. Wallop, Eſq;
Jam. Rivers, Eſq;
..... Havenningham Eſq;
Will. Cawley, Eſq;
John Button, Eſq
Hen. Darley, Eſq;
Valentine Walton, Eſq;
Sam. Vaſſal, Eſq;
Pierce Edgcomb, Eſq;
Sir *VValt. Erle.*
Sir *VVill. Maſſam.*
Sir *Sam. Roles.*
Tho. Arundel, Eſq;

May 6.

Sir *VVill. Dalſton.*
Sir *Tho. VVoodhouſe.*
Fran. Godolphin, Eſq;
Framlingh. Gawdy, Eſq;
Sir *Anth. Irby.*
Geo. Vane, Eſq;

May 7.

Lord *VVenman.*
Sir *Tho. Peyton.*
John Lowry, Eſq;
Sir *Tho. Danby.*
Jo. Evelin, Eſq;
..... Long, Eſq;
Sir *Phil. Muſgrave.*
Geo. Parry, Eſq;
Sir *VVill. Pennyman.*
Tho. May, Eſq;
Sir *Nich. Slanning.*
Tho. Jermin, Eſq;
Rob. Hunt, Eſq;
Sir *John Howel.*
VVill. Baſſet, Eſq;
Sir *Jam. Thynn.*
Sir *John Strangeways.*
Ralph Godwin, Eſq;
Tho. Bennet, Eſq;

May 12.

Fran. Buller Eſq;
Mr. Serjeant *Hide.*
Sir *Rob. Hatton.*
Fran. Drake, Eſq;
Sir *Chriſtoph. Hatton.*
Rob. Nichols, Eſq;
Sir *Fran. Knollis.*
Jo. Dutton, Eſq;
Nath. Hollow, Eſq;
Hen. Campian, Eſq;
Herbert Price, Eſq;
Tho. Erle, Eſq;
VVill. Marlott, Eſq;
VVill. Drake, Eſq;
Sir *Edw. Littleton.*
Sir *Hen. Ludlow.*
Rich. Harman, Eſq;
Sir *John Dryden.*
VVill. Ellis, Eſq;
VVill. Thomas, Eſq;
John Pine, Eſq;
VVill. Jepſon, Eſq;
John Hotham, Eſq;
Tho. Hodges, Eſq;
Tho. Moore, Eſq;
Godf. Boſwell, Eſq;
Anth. Stapley, Eſq;
John Moyle, Eſq;
VVill. Hay, Eſq;
Ferd. Stanhop, Eſq;
Tho. Soams, Eſq;

May 4.

Jo. Craven, Eſq;
Rob. Crook, Eſq;
Edw. Philips, Eſq;
VValt. Kirk, Eſq;
Sir *Tho. Parker.*
..... Grantham, Eſq;
..... Taylor, Eſq;
VVill. Conſtantine, Eſq;
Jo. Trenchard, Eſq;
Rob. Sutton, Eſq;
Jo. VVhiſtler, Eſq;
Anth. Hungerford, Eſq;

May 8.

Tho. Eversfield, Eſq;
Geo. Searle, Eſq;
Charles Baldwin, Eſq;
Sir *Alex. Denton.*
Rich. VVhitehead, Eſq;
Ger. Napier, Eſq;
Hen. Garton, Eſq;

May 10.

Mich. Noble, Eſq;
Serj. *Creſwel.*
Sir *John Holland.*
Sir *VVill. Ogle.*
Sir *Cha. Groſſe.*
Sir *Geo. Stonehouſe.*

May

16 *Car.*

May 17.

Sir *Fra. Popham.*
Alex. Popham, Eſq;
Edw. Exton, Eſq;
Lord *Mounſon.*
Sir *Jo. Franklyn.*

May 18.

Amb. Monaton, Eſq;
Rob. Walker, Eſq;
Sir *Rich. Brown.*
Sam. Sandys, Eſq;
Hugh Potter, Eſq;

May 27.

... *Ranisborough*, Eſq;

Rich. Leigh, Eſq;
Walt. Young, Eſq;
John Bamfield, Eſq;
Alex. Rigby, Eſq;

June 8.

Lord *Buckhurſt.*
..... *Biſs*, Eſq;

The Names of the Lords Spiritual and Temporal, that took the Proteſtation, May 4. *and afterwards.*

Lord Privy-Seal.
Lord Great Chamberlain.
Lord High Steward.
Lord Chamberlain.
Earl of *Cumberland.*
Earl of *Huntington.*
Earl of *Bath.*
Earl of *Hartford.*
Earl of *Eſſex.*
Earl of *Lincoln.*
Earl of *Nottingham.*
Earl of *Suffolk.*
Earl of *Dorſet.*
Earl of *Salisbury.*
Earl of *Northampton.*
Earl of *Warwick.*
Earl of *Devonſhire.*
Earl of *Cambridge.*
Earl of *March.*
Earl of *Carliſle.*
Earl of *Briſtol.*
Earl of *Holland.*
Earl of *Denbigh.*
Earl of *Clare.*
Earl of *Bolinbrooke.*
Earl of *Weſtmorland.*
Earl of *Berkſhire.*
Earl of *Cleeveland.*
Earl of *Monmouth.*
Earl of *Dover.*
Earl of *Peterburgh.*
Earl of *Stamford.*
Earl of *Carnarvan.*
Earl of *Thannet.*
Earl of *Portland.*
Lord Viſcount *Say* and *Seal.*
Lord Viſc. *Conway.*
Lord Viſc. *Cambden.*
Lord Biſhop of *Durham.*
Lord Biſhop of *Lincoln.*
Lord Biſhop of *Glouceſter.*
Lord Biſhop of *Carliſle.*
Lord Biſhop of *Bath* and *Wells.*
Lord Biſhop of *Hereford.*
Lord Biſhop of *Briſtol.*
Lord Biſhop of *Rocheſter.*
Lord Biſhop of *Llandaff.*
Lord *Mowbray.*
Lord *Strange.*
Lord *Willoughby D'Ersby.*
Lord *Dacres.*
Lord *De Grey.*
Lord *Haſtings.*
Lord *Wentworth.*
Lord *Chandois.*
Lord *Wharton.*
Lord *Rich.*
Lord *Willoughby de Parham.*
Lord *Paget.*
Lord *North.*
Lord *Hunſden.*
Lord *Kimbolton.*
Lord *Newenham.*
Lord *Brook.*
Lord *Howard de Charlton.*
Lord *Grey de Wark.*
Lord *Deincourt.*
Lord *Craven.*
Lord *Lovelace.*
Lord *Pawlett.*
Lord *Pierpoint.*
Lord *Coventry.*

Lord

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Lord *Howard d' Eſcrig.*
Lord *Goring.*
Lord *Dunſmore.*
Lord *Saville.*
Lord *Herbert de Cherbery.*
Lord *Seymour.*

May 10.

arl of *Danby.*
ord *Stanhop.*
laſter of the Rolls.
ir. Attorney-General.
ir *Rob. Rich.*
ord Biſhop of *Gheſter.*

May 5.

ord Biſhop of *Wincheſter.*
ord Biſhop of *Oxford.*
Lord Biſhop of St. *Aſaph.*
Lord Biſhop of *Ely.*
Lord Biſhop of *Peterburgh.*
Lord Biſhop of *Litchfield* and *Coventry.*

May 7.

Lord *Wilmot.*
Lord *Newburgh.*
Lord Chief Juſtice of the King's Bench.
Lord Chief Juſtice of the Common-Pleas.
Baron *Trevor,*
Crawley,
Weſton,
Reves, } Judges.
Hendon,
Foſter,
Heath,
Serj. *Ayliffe.*
Serj. *Glanvile.*
Sir *Edward Leech,* } Maſters of
Dr. *Bennet,* } *Chancery.*

May 11.

Lord Biſhop of *Chicheſter.*

May 3. & 4. Great Multitudes of People did theſe two Days repair to *Weſtminſter*, being full of Fears and Jealouſies of Plots and Deſigns againſt the Parliament; and particularly becauſe they heard there was a Deſign of putting Soldiers into the *Tower*: And alſo they were apprehenſive that the Earl of *Strafford* would eſcape; and they cried out for *Juſtice*; and the following Paper was poſted up of the Names of thoſe who were ſuppoſed to favour him, by the Name of *Straffordians.*

A Copy of the Paper poſted up at the corner of the Wall of Sir *Will. Brunkard's* Houſe in the Old *Palace*-Yard, in *Weſtminſter.*

Theſe are Straffordians, *Betrayers of their Country.*

1 Lord *Digby.*
2 Lord *Compton.*
3 Lord *Buckhurſt.*
4 Sir *Rob. Hatton.*
5 Sir *Tho. Fanſhaw.*
6 Sir *Edw. Alford.*
7 Sir *Nich. Slanning.*
8 Sir *Tho. Danby.*
9 Sir *Geo. Wentworth.*
10 Sir *Peter Wentworth.*
11 Sir *Fred. Cornwallis.*
12 Sir *Will. Carnaby.*
13 Sir *Rich. Win.*
14 Sir *Gervaſe Clifton.*
15 Sir *Will. Withrington.*
16 Sir *Will. Pennyman.*
17 Sir *Patrick Curwen.*
18 Sir *Rich. Lee.*
19 Sir *Hen. Slingsby.*
20 Sir *Will. Portman.*
21 Mr. *Gervaſe Hollis.*
22 Mr. *Sidney Godolphin.*
23 Mr. *Cooke.*
24 Mr. *Coventry.*
25 Mr. *Benj. Weſton.*
26 Mr. *Will. Weſton.*
27 Mr. *Selden.*
28 Mr. *Alford.*
29 Mr. *Lloyd.*
30 Mr. *Herbert.*
31 Capt. *Digby.*
32 Serj. *Hide.*
33 Mr. *Tailor.*
34 Mr. *Griffith.*
35 Mr. *Scowen.*
36 Mr. *Bridgeman.*

37 Mr. *Fettiplace.*
38 Dr. *Turner.*
39 Capt. *Ch. Price.*
40 Dr. *Parry*, Civilian.
41 Mr. *Arundel.*
42 Mr. *Newport.*
43 Mr. *Holborn.*
44 Mr. *Noel.*
45 Mr. *Kirton.*
46 Mr. *Pollard.*
47 Mr. *Price.*
48 Mr. *Travannion.*
49 Mr. *Jane.*
50 Mr. *Edgecomb.*
51 Mr. *Chichely.*
52 Mr. *Mallery.*
53 Mr. *Porter.*
54 Mr. *White.*
55 Mr. *Warwick.*
56 Sir *John Strangeways.*

16 *Car.*

This and more ſhall be done to the Enemies of Juſtice afore-written.

The ſame concourſe of People continuing, the Lords deſired a Conference with the Commons, which was managed by the Lord Privy-Seal who ſpake to this effect: *Tueſday, May* 4.

'THat the occaſion of the Conference was ſo viſible, that he ſhould 'not need to ſay any more of it, the Multitudes without beſpake 'the Buſineſs and the matter of it: That which he had to ſay, was by Com- 'mand from the King to the Peers, to be communicated to both Houſes of 'Parliament: That his Majeſty takes notice, That the People do aſſemble 'in ſuch unuſual numbers, that their Counſels and Peace of the Kingdom 'may be thereby interrupted; and therefore as a King that loveth Peace, 'and taketh care that all Pooceedings in Parliament may be free, and in a 'peaceable manner, he deſires that theſe Interruptions may be removed; 'and wiſheth both Houſes to adviſe a courſe how the ſame may be 'done.

The Lord Privy-Seals Speech, at a Conference about Tumults.

At the ſame time the Lord Privy-Seal communicated to the Commons a *Petition*, which the Lords had the Day before received, from the multitude of People that flocked together in the Palace-Yard; which was to this effect:

'THat whereas your Petitioners did yeſterday Petition for the Redreſs 'of many Grievances, and for the Execution of Juſtice upon the 'Earl of *Strafford*, and other Incendiaries, and to be ſecured from ſome 'dangerous Plots and Deſigns on foot; to which your Lordſhips have 'this Day given anſwer, That you have the ſame under preſent Conſide- 'ration; your Petitioners do render humble Thanks. But foraſmuch as 'your Petitioners underſtand, that the *Tower* of *London* is preſently to 'receive a Garriſon of Men, not of the Hamlets (as uſually they were wont 'to do) but conſiſting of other Perſons, under the Command of a Ca- 'ptain, a great Confident of the Earl of *Strafford*'s, which doth encreaſe 'their Fears of the ſudden Deſtruction of King and Kingdom, wherein your 'Lordſhips and Poſterity are deeply intereſted; and that this is done to 'make a way for the Eſcape of the Earl of *Strafford*, the grand Incen- 'diary.

A Petition delivered to the Lords by the People.

'They therefore humbly pray, That inſtant courſe may be taken for 'the diſcovery thereof; and that ſpeedy execution of Juſtice be 'done upon the Earl of *Strafford*.

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The Lords ſend to examine the Lieutenant of the *Tower*. He confeſſes he had a Command to receive in 100 Men.

Whereupon the Lords ſent ſix Peers of their Houſe to the *Tower*, to underſtand what Truth there was in this Information; and to demand of the Lieutenant who choſe thoſe Men to be lodged in the *Tower*; whether he was privy to it himſelf, and what Order he had to receive them, and what Captain was to Command them. To the two firſt, he ſaid he was wholly ignorant: And for the third, he ſaid he had his Majeſty's Command to receive One hundred Men into the *Tower*; and Captain *Billingſly* to Command them; and to receive only ſuch Men as he ſhould bring unto him: But now underſtanding their Lordſhips Order, he did promiſe, That no other Guard ſhould come into the *Tower*, unleſs it were the Hamlet-men. The Lords did further declare, at the Conference, That they were drawing to a Concluſion of the Bill of Attainder of the Earl of *Strafford*; but were ſo encompaſſed with multitudes of People, that their Lordſhips might be conceived not to be free, unleſs they were ſent home; whoſe flocking hither, was the only hindrance to the diſpatching of that Bill: And therefore deſired the Commons to join with their Lordſhips, to find out ſome way how this Concourſe about both Houſes might be avoided. And then they debated the *Proteſtation*, and paſſed it, and took the ſame.

The Tumult departs.

After that the Commons returned to their Houſe, Dr. *Burgeſs* was deſired to acquaint the Multitude with the *Proteſtation* which both Houſes had taken; which being read by him, and alſo made known unto them, That the Parliament deſired, that they would return home to their Houſes, they forthwith departed.

The ſaid Proteſtation was afterwards ordered to be tendred to the whole Kingdom; with this intimation, That whoſoever refuſed to take it ſhould be noted as *diſſaffected to the Parliament*.

A Bill brought in for the continuance of the Parliament.

The Commons forthwith ordered the bringing in of a Bill, *For the Continuance of this preſent Parliament, that it might not be diſſolved without the Conſent of both Houſes*; which was afterwards read the firſt and ſecond time, and committed.

Mr. *Rouſe* reports the Caſe of *John Lilburn*.

Lilburn.

1. *Reſolved*, That the Sentence in the *Star-Chamber* given againſt *John Lilburn*, is Illegal, and againſt the Liberty of the Subject, and alſo Bloody, Wicked, Cruel, and Tyrannical.

2. *Reſolved*, That Reparation ought to be given to Mr. *Lilburn*, for his Impriſonment, Suffering, and Loſſes, ſuſtained by that illegal Sentence.

Commiſſary *Wilmot* is required to acquaint the Lord-General of the King's Army, with a Letter to be ſent to the King's Army.

Ordered, That Mr. *Maynard* do prepare a Bill concerning the taking of the *Proteſtation* by all his Majeſty's Subjects throughout the Kingdom.

The Petition of divers, both Clergy and Citizens of *London*, was read: They are called in; the Houſe approved of their good Affections therein expreſſed. And as for that part that concerns the *Proteſtation*, gave direction to take the ſaid *Proteſtation*.

Papiſts.

Sir *Gilbert Gerrard*, and other Members, are forthwith to make Enquiry, What Papiſts, Prieſts, and Jeſuites are now about Town.

That Day the Earl of *Strafford* writ this enſuing Letter to his Majeſty.

Earl

16 Car.

Earl of Strafford's *Letter to the King*, May 4. 1641. *giving his Conſent to ſuffer.*

May it pleaſe your Sacred Majeſty;

IT hath been my greateſt Grief, in all theſe Troubles, to be taken as a Perſon which ſhould endeavour to repreſent and ſet Things amiſs between your Majeſty and your People, and to give Counſels tending to the Diſquiet of the three Kingdoms.

Moſt true it is that (this mine own private Condition conſidered), It had been a great madneſs, ſince (through your gracious Favour) I was ſo provided, as not to expect, in any kind, to mend my Fortune; or pleaſe my Mind more, than by reſting where your bounteous Hands had placed me.

Nay, it is moſt mightily miſtaken; for unto your Majeſty it is well known, my poor and humble Advice concluded ſtill in this, That your Majeſty and your People could never be happy, 'till there were a right-Underſtanding betwixt you and them; and that no other means were left to effect and ſettle this Happineſs, but by the Counſel and Aſſent of your Parliament; or to prevent the growing Evils of this State, but by entirely putting your ſelf, in this laſt Reſort, upon the Loyalty and good Affections of your *Engliſh* Subjects. Yet ſuch is my Misforturne, that this Truth findeth little credit; yea, the contrary ſeemeth generally to be believ'd; and my ſelf reputed as one who endeavour'd to make a Separation between you and your People: Under a heavier Cenſure than this, I am perſuaded no Gentleman can ſuffer.

Now I underſtand the Minds of Men are more and more incenſed againſt me, notwithſtanding your Majeſty hath declared, That in your Princely Opinion I am not Guilty of Treaſon; and that you are not ſatisfied in your Conſcience to paſs the Bill.

This bringeth me in a very great ſtreight: There is before me the Ruine of my Children and Family, hitherto untouched, in all the Branches of it, with any foul Crime: Here are before me the many Ills which may befall your ſacred Perſon, annd the whole Kingdom, ſhould your Self and Parliament part leſs ſatisfied one with the other, than is neceſſary for the Preſervation both of King and People. Here are before me the Things moſt valued, moſt feared by mortal Men, Life and Death.

To ſay, Sir, there hath not been a Striſe in me, were to make me leſs Man than, God knoweth, my Infirmities make me; and to call a Deſtruction upon my ſelf and young Children (where the Intentions of my Heart at leaſt have been innocent of this great Offence), may be believed, will find no eaſie Conſent from Fleſh and Blood: But, with much ſadneſs, I am come to a Reſolution of that, which I take to be beſt becoming me, and to look upon it as that which is moſt principal in it ſelf, which, doubtleſs, is the Proſperity of your ſacred Perſon, and the Commonwealth, Things infinitely before any private Man's Intereſt.

And therefore, in few words, as I put my ſelf wholly upon the Honour and Juſtice of my Peers, ſo clearly, as to wiſh your Majeſty might pleaſe to have ſpared that Declaration of yours on *Saturday* laſt, and entirely to have left me to their Lordſhips; ſo now, to ſet your Majeſty's Conſcience at liberty, I do moſt humbly beſeech your Majeſty, for prevention of Evils which may happen by your refuſal, to paſs this BILL; and by this means to remove (praiſed be God, I cannot ſay this accurſed, but I confeſs) this unfortunate thing forth of the way, towards that bleſſed Agreement which God, I truſt, ſhall ever eſtabliſh between you and your Subjects.

Sir, My Conſent ſhall more acquit you herein to God, than All the World can do beſides: To a Willing Man there is no Injury done; and as by God's Grace I forgive all the World, with Calmneſs and Meekneſs of infinite Contentment to my diſlodging Soul; ſo, Sir, to you I can give the Life of the World, with all the Cheerfulneſs imaginable, in the juſt Acknowledgment of your exceeding Favours; and only beg, That in your Goodneſs you would vouchſafe to

An. 1641.

caſt your gracious Regard upon my poor Son, and his three Siſters, leſs or more; and no otherwiſe than as their (in preſent) unfortunate Father may, hereafter, appear more or leſs guilty of this Death. God long preſerve your Majeſty.

Tower, May 4. 1641.

Your Majeſty's moſt Faithful, and Humble Subject and Servant, STRAFFORD.

May 4. The Committee reports to the Houſe, That Mr. *Hen. Jermin*, and Mr. *Hen. Piercy* are fled.

This Day alſo the Committee appointed to joyn with the Lords for taking Examinations concerning the Plot, did acquaint the Houſe, That ſix or eight of the chief Conſpirators were fled; of which, Mr. *Henry Jermin*, and Mr. *Henry Piercy*, Members of the Houſe, were two, and they were gone towards *Portſmouth*. Upon which Report, preſent Information came, That the Queen was preparing to go to *Portſmouth*: Thereupon both Houſes had a Conference, and agreed to move her Majeſty to ſtay her Journey for the ſecurity of her Perſon, her Majeſty not knowing what danger ſhe might be expoſed to in thoſe parts: In the mean time, one Lord and two Commoners were diſpatched to *Portſmouth*, with private Inſtructions to propoſe certain *Queries* to the Governour there, and to take further care for the ſecurity of the Place and Haven of ſuch Importance: And they took an Oath of Secreſie, as thoſe Lords and Commons had done, who were appointed to examine the Plot.

His Majeſty was deſired by both Houſes, to iſſue out a Proclamation for the calling in Mr. *Piercy* and Mr. *Jermin*, within a time limitted, which was accordingly granted: And the Lords were deſired by the Commons to haſten the Bill of Attainder of the Earl of *Strafford*.

To prevent further Diſcontent in the Army, this Letter was ſent by order to Sir *Jacob Aſhly*, to be communicated to the Army in the North; and the Author of theſe Collections was ſent Poſt therewith.

Mr. Speaker's Letter to Sir Jacob Aſhly, *to keep a good Correſpondency between the Parliament and Army*, May 4.

SIR,

WE have had cauſe to doubt, That ſome ill-affected Perſons have endeavour'd to make a miſunderſtanding in the Army, of the Intentions of the Parliament towards them. To take away all miſunderſtanding in that kind, the Houſe of Commons have commanded me to aſſure you, That they have taken the Affairs of the Army into their ſerious care; and though for the preſent their Monies have not come in as they wiſhed, and as was due, by reaſon of the many Diſtractions, and other Impediments, which this Houſe could no ways avoid; yet they reſt moſt aſſured, That they ſhall not only have their full Pay, but the Houſe will take their Merits into their further Conſideration, in regard they take notice, That notwithſtanding their Want, and Endeavours of thoſe ill-affected Perſons, they have not demeaned themſelves otherwiſe, than as Men of Honour, and well-affected to the Commonwealth; which this Houſe takes in ſo good part, that we have already found out a way to get Mony for a good part of their Pay, and will take the moſt ſpeedy Courſe we poſſibly may for the reſt. So I remain

From my Houſe at *Charing Croſs*, the Fourth of this preſent Month of *May*, 1641.

Your very loving Friend, Will. Lenthall.

Sir,

'Tis the Pleaſure of the Houſe, That this Letter be communicated to the Army, to the end their Intentions may be clearly underſtood by them.

Ordered

16 *Car.* *May* 5.

Ordered, That the Members do meet, and conſider in what State and Condition their reſpective Counties, Cities, and Boroughs are, in reſpect of Arms and Ammunition; and in what Condition for Deputy-Lieutenants, whether they be well-affected in Religion, and to the publick Peace: And what Arms there are, that they may be ſupplied; and what Forts and Caſtles, and who are the Governours of them.

A Report made to the Houſe, that this Plot conſiſts of three Heads, &c.

The Houſe haing been alarmed with the Apprehenſions of ſome Plots or Deſigns on foot, and having appointed a Committee to inquire into the ſame, they this Day made their Report to the Houſe, That this Plot conſiſteth of three Heads: The firſt was, The Deſign upon the *Tower*. The ſecond, To engage the Army. The third, To bring in foreign Forces. For the *Tower*, it appeared to be thus: Captain *Billingſly* being examined upon Oath, confeſſed, That he was acquainted with Sir *John Suckling*: That the ſaid Sir *John* lately offered him Imployment in one of the King's Ships then at *Portſmouth*; afterwards, Imployment for *Portugal*: That this Deponent having notice to meet at the Privy Lodgings at *White-hall*, did there receive Orders to get an hundred Men to ſerve in the *Tower* under him; and if he did fail, he ſhould anſwer it with his Life. And afterwards meeting with Sir *John Suckling*, and acquainting him therewith, he told him he would furniſh him with the ſaid number. Sir *William Belfore*, Lieutenant of the *Tower*, being examined, ſaid, That he had Command to receive Captain *Billingſly*, with an hundred Men, into the *Tower*, who ſhould be under his Command: That the Earl of *Strafford* at that time, expoſtulating with him about his eſcape, told him, He would attempt nothing in that kind without his privity; and that he ſhould have the King's Warrant for his Indemnity; and that the Warrant ſhould be to command him to remove the Earl of *Strafford*, from the *Tower* to ſome other Caſtle; and he would then take his opportunity to eſcape: That the Lieutenant of the *Tower* not giving any complying Anſwer thereunto, the ſaid Earl ſent again to intreat him to come to him, and would have perſuaded him to let him make an eſcape; ſaying, *Without your Concurrence it cannot be done; and if you will conſent thereunto, I will make you preſent payment of Twenty two thouſand pounds; beſides, you ſhall have a good Marriage for your Son.* To which the Lieutenant of the *Tower* replied, He was ſo far from concurring therein, that he was not to be farther moved in ſuch a thing. Thus much the Lieutenant of the *Tower* delivered upon his Oath.

The Earl of *Strafford* expoſtulates with the Lieutenant of the *Tower*, for his eſcape, atteſted upon Oath.

Colonel *Goring*, upon his Examination in the Houſe of Commons, did confeſs, That Sir *John Suckling* was the firſt Perſon that ever made any Overture unto him, concerning the Army's marching towards *London*: Afterwards, being in the Queen's Lodgings, he met with Mr. *H. P.* which was about the beginning or middle of *Lent* laſt, and Mr. *P.* told him, There was a Conſultation of Officers to be had, concerning the good of the Army; and deſired him to go along with him to his Chamber, where the Meeting was to be: There were preſent at the ſame Meeting, Commiſſary *Wilmot*, Colonel *Aſhburnham*, Captain *Pollard*, Sir *John Berkly*, *Daniel O Neal*, Mr. *Jermin*, and himſelf: That Mr. *P.* ſaid, There were Propoſitions to be made, which were of great Concernment; and that it was neceſſary there ſhould be an Oath of Secreſie taken before any thing was propounded: That the Oath ſhould be to this purpoſe: That we ſhould neither directly nor indirectly diſcover any part of the Conſultation, nor ever to think our ſelves diſſolved from that Oath, by any other Oath which might be impoſed upon us hereafter. Which Oath was read out of a Paper, when it was tendred unto them; and thereupon they were ſworn, by

Col. *Goring*'s Examination about the Plot.

An. 1641. by laying their Hands upon the Bible: That he and *Jermin* were ſworn together; for the reſt had taken the Oath before.

Then three Propoſitions were made unto them, being the ſame in ſubſtance expreſſed in Mr. *P.*'s *Letter*.

He farther ſaid, That the whole Number there met, were of Opinion, That the Army ſhould not march towards *London*, 'till a Declaration had been firſt ſent up to the Parliament: That he the ſaid *Goring* anſwered, It was a nice point to interpoſe in the Proceeding of the Parliament; and did propound ſome Difficulties to allay the Buſineſs, to divert Commiſſary *VVilmot*, and thoſe other Perſons, from ſo dangerous a Buſineſs: And ſaid, That he did think it was a deſign of Folly to undertake it: for they muſt think the *Scots* would take the Advantage upon the Army's removal Southwards, whoſe Correſpondency was ſo great with the City; and for them to begin to ſhew their Teeth, and not be able to bite, would argue little Prudence; that they ſhould either undertake it ſo as to go through with it, or let it alone: That he did ask them what Ammunition they had to accommodate ſo great an Army; and whether they could command the Ammunition in the *Tower*: That *VVilmot*, *Pollard*, and *Aſhburnham*, then made anſwer, They had no purpoſe to go to *London*; for to ſurprize the *Tower*, was to conquer the Kingdom: That this, amongſt other Paſſages, was part of the Diſcourſe at the firſt Meeting.

That ſhortly after, there was another Meeting of the ſame Perſons, and in the ſame place, in Mr. *Piercy*'s Chamber; where there were Propoſitions of another nature, deſperate and impious on the one hand, and fooliſh on the other; and that he endeavoured by Argument to divert them, by propounding an Impoſſibility to effect the ſame: For how could the Army, lodged in ſeveral Quarters, unpaid, and at ſuch a diſtance, march on a ſudden to *London*, and ſurprize what they had in Deſign?

That Mr. *Jermin* was the Perſon that firſt propoſed the marching of the Army towards *London*: That for his part he declared himſelf abſolutely againſt it. That Mr. *Jermin* replied to him, in private, *You do not diſlike the Deſign; for you are as ready for any* wild, mad *Undertaking, as any Man I know; but you diſlike the Temper of thoſe Perſons who are engaged in the Buſineſs.*

He did further confeſs, That he propounded that *Suckling* might be admitted to the Conſultation; but *VVilmot*, *Aſhburnham*, and *Pollard* would not hear of it. And they three did then declare themſelves againſt, the Army's marching towards *London*.

Then he took occaſion to ſay, That he did acquaint ſome Members of both Houſes, whom he could name, that there were ſome of the Army whom they did not think ſo well of, were more faithful and ſerviceable to the Parliament, than they were aware of, which time would produce; and named them: And they did accordingly give Teſtimony of his Integrity, ſo far as general Terms could diſcover the Deſign. He confeſſed, That Mr. *Jermin* did make ſome Offers unto him, to relinquiſh the Government of *Portſmouth*, upon ſome terms of Advantage: But he ſaid, He did not conclude any thing; for he would firſt ſee the performance of what was offered: So had no further Diſcourſe with him concerning that Buſineſs. But he doth believe, that *Suckling* and *Jermin* did confer together about the Deſign. He ſaid they did deſire his Opinion about a General: Some were for *Eſſex*, ſome for *Holland*; but he, with *Jermin*, were for *Newcaſtle*.

Being again examined upon his Oath, before the Committee of Lords and Commons, and preſſed more particularly to anſwer Queſtions not before propoſed unto him, he did confeſs, That meeting with Mr. *Jermin* in

in the Queen's withdrawing Chamber, her Majesty came and told him, the King would speak with him; and meeting with his Majesty, he told him, He was minded to set his Army in a good Posture; being advised thereto by the Earl of *Bristol* (as he said;) and his Majesty then commanded him to joyn with Mr. *Peircy* and some others in that Business. 16 *Car.*

As for the Designs from beyond the Seas, the Committee did make Report to the House, That it was cleared unto them, that *Jermin* endeavoured to have got the Possession of *Portsmouth*; That the King of *France* had drawn down great Forces to the Sea-side; That the Governour of *Calice* had examined some *Englishmen*, whether the Earl of *Strafford*'s Head was cut off? and this was, in point of time, the *first of May*, according to the *English Stile*; and Sir *Philip Cartwright*, Governour of *Guernsey*, wrote Letters also, which came in great haste, That he understood the *French* had a design upon that Island, or some part of *England*. It also appeared to the Committee, by divers of the Letters, which were opened coming from beyond Sea, that they expected the Earl of *Strafford* there; and that they hoped the *Horse-Leeches* should be starved for want of *Blood*: And in some of those Letters there was Advice to the Cardinal to bestir himself betimes, to interrupt the heighth of the Proceedings here in *England*. Also examination of some Priests were taken in *Lancashire*, and sent up to *London*, which were there taken the 3*d* of *May*, which did testifie, That the Priests did say, the Parliament should be suddenly *dissolved*; for the Army was to march up thither with all speed, and they would be seconded by Forces out of *France*; and that *Montagne* did write out of *France* to Mr. *Peircy* (which was also intercepted,) That if he did perform what he had undertaken, he would be made a Knight of the Garter,

Mr. *Peircy*, after his flight, writ a Letter to the Earl of *Northumberland*, discovering what he knew concerning the Plot; which, though it came in time after Colonel *Goring*'s Examination, it is now mentioned, for the fuller satisfaction of the Reader. The Letter followeth in these Words.

Mr. Henry Peircy's *Letter to the Earl of* Northumberland, *read in both Houses of Parliament.*

WHat with my own Innocency, and the violence I hear is against me, I find my self much distracted. I will not ask your Counsel, because it may bring prejudice upon you; but I will with all Faithfulness, and Truth, tell you what my part hath been, that at least it may be declared by you, whatsoever becomes of me. Mr *Hen. Peircy*'s Letter.

When there was 50000 *l.* ready, designed by the Parliament, for the *English* Army, there was, as I take it, a sudden demand by the *Scots* at the same time of 25000 *l.* of which there was 15000 *l.* ready; this they pressed with such necessity, as the Parliament after an Order made, did think it fit for them to reduct 10000 *l.* out of the 50000 *l.* formerly granted: Upon which, the Soldiers in our House, were much scandalized; amongst which I was one, and sitting by *Wilmot* and *Ashburnham*, *Wilmot* stood up, and told them, If that the *Scots* could thus procure Money, he doubted not but the Officers of the *English* Army might easily do the like. But the first Order was reversed notwithstanding, and 10000 *l.* given to the *Scots*. This was the Cause of many Discourses of dislike amongst us, and came to this purpose, That they were disobliged by the Parliament, and not by the King: This being said often to one another, we did resolve, *Wilmot*, *Ashburnham*, *Pollard*, *O Neal*, and my self, to make some Expressions of serving the King in all things he would command us, that were Honourable for him and us; being likewise agreeing to the Fundamental Laws of the Kingdom, that so far we would live and die with him; this was agreed upon with us, not having any Communication with others, that

An. 1641. I am coupled now withal: And further, by their joynt conſent, I was to tell his Majeſty thus much from them; but withal, I was to order the matter ſo as the King might apprehend this as a *great Service* done unto him at this time, when his Affairs were in ſo ill a condition, and they were moſt confident, That they would engage the whole Army thus far; but further they would undertake nothing, becauſe they would neither infringe the Liberties of the Subjects, nor deſtroy the Laws; to which I and every one conſented; and having their Senſe, I drew the Heads up in a Paper, which they all approved when I read it; and then we did, by an *Oath*, promiſe one another to be conſtant and ſecret in all this, and did all of us take that Oath together: Then I ſaid, Well, Sirs, I muſt now be informed what your particular Deſires are, that ſo I may be the better able to ſerve you; which they were pleaſed to do; and ſo I did very faithfully ſerve them therein as far as I could. This is the Truth, and all the Truth upon my Soul, in particular Diſcourſes.

After that, we did fall upon the Petitioning to the King and Parliament for Moneys, there being ſo great Arrears due to us, and ſo much delays made in the procuring of them; but that was never done.

1. Concerning the Biſhops Functions and Votes.

2. The not disbanding of the *Iriſh* Army, until the *Scots* were disbanded too.

3. The endeavouring to ſettle his Majeſty's Revenue to that Proportion it was formerly.

And it was reſolved by us all, if the King ſhould require our Aſſiſtance in thoſe things that as far as we could, we might contribute thereunto, without breaking the Laws of the Kingdom; and in caſe the King ſhould be denyed theſe things being put to them, we would not fly from him: All theſe Perſons did act and concur in this as well as I. This being all imparted to the King by me from them, I perceived he had been treated with by others concerning ſome things of our Army; which not agreed with what was purpoſed by me, but inclined a way more ſharp and high, not having limits either of Honour or Law. I told the King, he might be pleas'd to conſider with himſelf, which way it was fit for him to hearken unto; for us, we were reſolved not to depart from our Grounds; we ſhould not be diſpleaſed, whoſoever they were: but the particular of the Deſigns, or the Perſons we deſired not to know; though it was no hard matter to gueſs at them. In the end, I believe the Danger of the one, the *Juſtice* of the other, made the King tell me, he would leave all thoughts of other Propoſitions, but *ours*, as things not practicable; but deſired, notwithſtanding that *Goring* and *Jermyn*, who were acquainted with the *other* Proceedings, ſhould be admitted amongſt us: I told him, I thought the other Gentry would never conſent to it, but I would propoſe it; which I did; and we were all much againſt it: But the King did preſs it ſo much, as at the laſt it was conſented unto: and *Goring* and *Jermyn* came to my Chamber; there I was appointed to tell them, after they had ſworn to Secrecy, what we had propoſed; which I did. But before I go into the Debate of the way, I muſt tell you, *Jermyn* and *Goring* were very earneſt *Suckling* ſhould be admitted; which we did all decline, and I was deſired by all our Men to be reſolute in it, which I was, and gave many Reaſons: Whereupon Mr. *Goring* made Anſwer, he was engaged with Mr. *Suckling* his being employed in the Army; but for his meeting with us, they were contented to paſs it by: Then we took up again the ways which were propoſed; which took great Debate, and *theirs* differed from *ours* in violence and height; which we all proteſted againſt, and parted, diſagreeing totally, yet remitted it to be ſpoken of by me and *Jermyn* to the King; which we both did; and the King, conſtant to his former Reſolutions, told him, theſe ways were all vain and fooliſh, and he would think of them no more: I omit one thing of Mr. *Goring*: he deſired to know how the chief Commanders were to be diſpoſed of; for if he had not a Condition worthy of him, he would not go along with us: We made anſwer, That no body thought of that; we intended, if we were ſent down, to go all in the ſame Capacity we were in: He did not like that by any means, and by that did work ſo with Mr. *Chidley*, that there was a Letter ſent by ſome of the Commanders to make him Lieutenant-General: And when he had ordered this at *London*, and Mr. *Chidley* had his Inſtructions; then did he go to *Portſmouth*, pretending to be abſent when this was working: we all deſired my Lords of *Eſſex* and

and *Holland*; but they ſaid, If there were a General, they were for *New-Caſtle*: They were pleaſed to give Report, That I ſhould be *General* of the Horſe But I proteſt, neither to the King, or any elſe, did I ever ſo much as think of it. My Lord of *Holland* was made General, and ſo all things were laid aſide: And this is the Truth, and all the Truth I know of theſe Proceedings: and this I will and do proteſt unto you upon my Faith. And *Wilmot*, *Aſhburnham*, and *O Neal*, have at ſeveral times confeſs'd and ſworn, I never ſaid any thing in the Buſineſs, which they did not every one agree unto and juſtifie. This Relation I ſent you rather to inform you of the truth of the matter, that you may the better know how to do me good: but I ſhould think my ſelf very unhappy to be made a Betrayer of any body. What concerned the Tower or any thing elſe, I never meddled withal, nor ever ſpake with *Goring* but that Night before them all, and I ſaid nothing but what was conſented unto by every Party; I never ſpake one word with *Suckling*, *Carnarvan*, *Davenant*, or any other Creature. Methinks if my Friends and Kindred knew the Truth and Juſtice of the Matter, it were no hard matter to ſerve me in ſome meaſure. 16 *Car.*

Here was alſo at this time Imported to the Houſe of Commons, a Letter intercepted, going from Father *Phillips* (the Queen's Confeſſor) to Mr. *Montague* in *France*; which was as followeth.

Father Phillips, *the Queen's Confeſſor, his Letter to Mr.* Walter Montague *in* France.

THE good King and Queen are left very naked; the Puritans, if they durſt, would pull the good Queen in Pieces. Can the good King of *France* ſuffer a Daughter of *France*, his Siſter, and her Children, to be thus affronted? Can the wiſe Cardinal endure *England* and *Scotland* to unite, and not be able to diſcern? In the end it is like they will joyn together and turn Head againſt *France*: A ſtirring active Ambaſſador might do good here. I have ſent you a Copy of the King's Speech on *Saturday* laſt; at which time he diſcharged his Conſcience concerning the Earl of *Strafford*, and was adviſed to make that Speech, by the Earl of *Briſtol*, and the Lord *Savile*. Father *Phillips*'s Letter.

This Speech did much operate to the diſadvantage of the Earl of *Strafford*, for the Commons were thereby much incens'd and inflamed againſt him; and this brought forth, the next day, being *Monday*, a *Proteſtation*, which was taken in both Houſes of Parliament, of the ſame nature, but rather worſe than the *Scottiſh* Covenant.

The *Londoners*, who are very boyſterous, came upon *Monday*, Five or ſix thouſand, and were ſo rude, that they would not ſuffer the Lords to come and go quietly and peaceably to their Houſes; but threatned them, That if they had not Juſtice, and if they had not his Life, it ſhould go hard for all thoſe that ſtood for him, following them up and down, and calling for *Juſtice*, *Juſtice*, *Juſtice*.

There was in the Houſe of Commons Fifty ſix that denyed to paſs the Earl of *Strafford*'s Bill; their Names were taken, and they were fixed upon Poſts, in divers Parts in *London*; and there was written over Head, *Theſe are* Straffordians, *the Betrayers of their Countrey*.

By this means it came to paſs, that the Lords and Judges were much affrighted; and the moſt of his Friends in the Lords Houſe forſook him; all the Popiſh Lords did abſent themſelves; the Lord of *Holland*, and *Hertford* were abſent; ſo was *Briſtol* and others, *Savile* and the Duke only ſtuck cloſe and faithfully to him, and ſome few other Lords. God knows the King is much dejected, the Lords much affrighted; which made

An. 1641. the Citizens and the Houſe of Commons ſhew their Heads; ſome have braved little leſs than to unthrone his Majeſty, who, if he had but an ordinary Spirit, might eaſily quaſh and ſuppreſs theſe People. Our good Queen is much afflicted; and in my Conſcience, the *Puritans*, if they durſt, would tear her in pieces. This cannot be for the Honour of *France*, to endure a Daughter of that Nation, and her Children ſhould be thus oppreſſed and affronted.

The Earl of *Holland* is made General of the Army, whither he is gone down: The Earl of *Newport*, Maſter of the Ordnance. *Balfore*, the Lieutenant of the Tower, hath proved an errant Traytor to the King, who commanded him upon his Allegiance, to receive a Captain and an hundred men into the Tower, which he moſt trayterouſly refuſed to do.

There was a Report in *London*, That the Parliament Houſe was on fire; whereupon there were many thouſands of People very ſuddenly gathered together, whereby you may eaſily perceive the height and violence of the Peoples Affections. *May* 6. *Anno Dom.* 1641.

There was another Letter alſo produced, and that was ſent from one *Phillips*, another of the Queen's Prieſts, intended, as is ſuppoſed, for Mr. *Montague*, to this effect, 'You may expect ſome Company with you 'ere long; *Crofts*, *Suckling*, *Peircy*, *Jermin*, are gone; all things are in 'great uncertainties; a *Proteſtation* is made and taken by both Houſes, 'much like, but much worſe, than the *Scottiſh* Covenant. I ſent you 'ſome Money by Mr. *Jermin*; but now that he is gone, I make ſome 'doubt whether he might be mindful of you to take it with him. I have 'ſpoken to the Queen about your Occaſions, and will do what I can, tho' 'I am not able to undertake much.

Your Loving Friend

Francis Phillips.

The Houſe of Commons having debated of the matter of the ſaid Deſign, relating to inveigling the Army, and the nature of the Crime, paſſed the following Votes, *viz.*

Several Votes againſt Mr. *Peircy* about the Plot. *May* 6.

Reſolved, That Mr. *Henry Peircy* in the Months of *March* and *April* laſt, in the Pariſh of St. *Martins* in the County of *Middleſex*, did compaſs, plot, and conſpire with others, to draw the Army together, and employ the ſame againſt the Parliament, and by force and dread thereof, to compel the Parliament to agree to certain Propoſitions by them contrived, and to hinder and interrupt the Proceedings of the Parliament. The like Reſolution in the ſame Words, concerning Mr. *Jermin* and Sir *John Suckling*.

Reſolved, That in purſuance of the ſaid Deſign, the ſaid *Henry Peircy*, by the Plot and Combination aforeſaid, did endeavour to perſwade divers Members of the Houſe of Commons of the ſaid Parliament and others, being Officers of the ſaid Army, that is to ſay, *Wilmot*, *Aſhburnham*, *Berkley*, *Pollard*, and *Daniel O Neal*, that they were diſobliged by the Parliament, thereby to incenſe them, and to affect them againſt the Parliament, and did hold divers Conſultations with the ſaid Parties, to effect the ſaid wicked and dangerous Deſign; and to that purpoſe, did ſet down in Writing, certain Propoſitions, to the effect as followeth, *viz.* *The preſerving of Biſhops in their Functions and Votes*; *The not diſbanding of the* Iriſh *Army, until the* Scots *were disbanded*; *And the endeavouring to ſettle the King's Revenue to the Proportion it was formerly.*

Reſolved,

Reſolved, That the ſaid *Henry Peircy* did, in purſuance of the Plot and Combination aforeſaid, and for the more ſecret Carriage thereof, Adminiſter to the ſaid Parties a wicked and unlawful Oath; whereby they did ſwear upon the Holy Evangeliſts not to reveal any thing that was ſpoken concerning the Buſineſs, that was in Conſultation, directly, or indirectly, nor to think themſelves abſolved by any other Oath that ſhould be after taken by them, from the Secreſie enjoin'd by the ſaid Oath. 16 *Car.*

Reſolved, That the ſaid *Hen. Peircy*, at the time the ſaid Oath was taken, and at divers other times, did propound and endeavour to perſwade the perſons before-named, and other Officers of the ſaid Army, to put the ſaid Army into a Warlike Poſture, and to bring them up to *London*; and likewiſe to make themſelves ſure of the Tower, and ſo by force to compel the Parliament to conform to their Will: and he, with *Suckling*, &c. did endeavour to work a belief in the ſaid Army, That the King and Parliament would diſagree; and ſo to perſwade them to adhere to his Majeſty againſt the Parliament; and ſaid, That all the *French* about the City of *London* would aſſiſt them; and, to the great Scandal of the King, That the Prince and the Earl of *Newcaſtle* were to meet the Army at *Nottingham*, with a Thouſand Horſe; and that *Suckling*, to compaſs the Deſign of gaining the Tower, did contrive, that an Hundred Men, under Captain *Billingſly* ſhould be deſigned for that purpoſe, when the opportunity was offered, to the end the City of *London* ſhould not be able to make any Reſiſtance, when the ſaid Army ſhould come up, according to the fore-mentioned Deſign; and *Suckling*, by the Means and Plot aforeſaid did thereby endeavour, that the Earl of *Strafford*, then Priſoner in the Tower, might the better compaſs his Eſcape.

May 6. Bill for ſecuring Religion.

A Bill for the ſecurity of the true Religion, the Safety and Honour of his Majeſty's Perſon, the juſt Rights of the Subject, and the better diſcovery and Puniſhment of Popiſh Recuſants, was read the firſt and ſecond time and committed.

Bill for continuing this Parliament *firſt read.*

A Bill for the continuance of this preſent Parliament, read the firſt and ſecond time, and committed.

Powder ſtopt.

That there may be ſtay of the 1500 Barrels of Gunpowder that are now ſhipt, to be ſent to *Portſmouth*.

The Earl of *Briſtol* to be none of the Commiſſioners for aſſeſſing Subſidies.

Reſolved, That *John* Earl of *Briſtol* ſhall be left out of the Names for Commiſſioners among the Lords, for Aſſeſſing of Subſidies, *&c.* and the Earl of *Stamford* put in his place.

Mr. Sollicitor Reports the Bill, entituled, *An Act for the continuance of this preſent Parliament*, with the Amendments; which were aſſented unto, and the Bill order'd to be engroſs'd.

An Act for the further Relief of the King's Army.

Friday May 7. 1641. Papiſts.

The Lord Mayor to bring in a Liſt of all Papiſts about *London*, on *Monday* next, and that all Papiſts be ſuddenly diſarmed; and a Letter ſent into *Ireland* for the diſbanding of the *Iriſh* Army.

The Continuance-Bill ſent to the Lords.

An Act to prevent Inconveniences that may happen by the untimely Adjourning, Proroguing, and Diſſolving this preſent Parliament, paſſed the third time, and ſent up to the Lords.

French Forces.

That Informations are come of ſome Forces in *Picardy*, to be tranſported into *England*, and probably to *Portſmouth*.

Ordered, That ſome Forces be drawn out of *Wiltſhire*, and *Barkſhire*, for the ſecuring of *Portſmouth*: That Sir *John Hotham*, and Sir *Hugh Cholmley*, do go into the *North* with all ſpeed; and Sir *Philip Stapleton*, and Sir *John Clotworthy* to *Portſmouth*.

An. 1641.

That care be had of *Kent*, and to preſs Men to ſerve in the King's Ships, and a Bill prepared to that purpoſe.

That a Bill be prepared to reſtrain the encreaſe of Buildings in and about *London* and *Weſtminſter*, notwithſtanding any Licence or Grant; and to conſider whether theſe new Buildings be a Nuiſance.

That the Houſe be preſently turn'd into a Grand Committee for the raiſing of 400000 *l.* and all their Diſcourſes ſhall be applied to that purpoſe.

Queen deſired not to go to *Portſmouth*.

Ordered, That the Lords be deſired to move her Majeſty to forbear her Journey to *Portſmouth*, to the end her Perſon may be here ſecure, not knowing what Danger her Royal Perſon may be in if ſhe go thither.

Ports ſtopt.

That his Majeſty be deſired to Cauſe all the Ports to be ſtopt, that ſome Proviſion be made for the ſafety of the Kingdom, that this Plot may be diſcovered, and ſome Courſe taken to ſatisfie the Army that hath been endeavoured to have been ſeduced; and to declare, that ſuch Officers as ſhall diſcover any thing in this Caſe ſhall be well eſteemed of.

Portſmouth to be ſecured.

Ordered, That One Lord, and Two Commoners be inſtantly ſent to *Portſmouth*, there being ſome *French* Forces drawn to the Sea-ſide; and if they find cauſe of Jealouſie to ſuſpect the Governour, forthwith to command him to come to the Parliament, and one of the Commiſſioners to come up with him.

That Proviſions be made for the Iſles of *Jerſey* and *Guernſey*; and that both Houſes joyn in a Letter to the Army, that they may ſee that there is good Correſpondency between us and the Commanders of the Army, to give ſatisfaction to the Army, and to think of ſome fit way how the bottom of this Plot may be diſcovered.

May 8.

Ordered, That the 50000 *l.* borrow'd by the Lords of the Great Council of *York*, of the Citizens of the City of *London*, for a Supply of his Majeſty's Army in the *North*, ſhall be taken into conſideration for the repayment thereof by this Houſe.

The Lords declare at a Conference, that the Lord *Mandevil* is gone down with a Commiſſion to *Portſmouth*. That a Proclamation ſhall go forth to day, that the Lord Admiral will take care, that the Ships deſigned for *Portſmouth*, ſhall be well fitted and manned with Truſty Men.

The Bill of Attainder of the Earl of *Strafford* paſſed in the Lords Houſe.

A Meſſage from the Lords by Judge *Forſter*, and Judge *Heath*, That the Bill of Attainder of the Earl of *Strafford* is paſſed in the Lord's Houſe, without any Alteration.

Ordered, That the Ceſſation of Arms do continue a Fortnight longer; That the Houſe ſhall conſider and Treat of no Buſineſs whatſoever, but the ſetling of the Peace of the Kingdom, providing of Moneys, and proceeding againſt Incendiaries and Delinquents, till theſe Buſineſſes are brought to ſome Concluſion.

To prevent further Diſcontents in the Army, another Letter was this Day ſent from the Commons, with the Conſent and Concurrence of the Lords, to Sir *Jacob Aſhley*, and Sir *John Conyer*'s to be communicated to the Army in the *North*.

16. *Can.*

A Letter from both Houſes, inviting Commanders in the Army to make a full diſcovery of the Plot, May 8.

WHereas there hath been juſt Cauſe of Jealouſie, that there hath been ſome ſecret Attempt and Practices, to infuſe into the Army a miſtake of this Parliament to ſome dangerous Intent and Purpoſe againſt this State; and that now the matter is grown to ſtrong Preſumption upon further Diſcoveries; and by reaſon that ſome of thoſe which were ſuſpected to have been active therein, are fled upon the firſt ſtirring thereof, before they were once named. It pleaſeth this Houſe to declare; That notwithſtanding they intend to ſearch into the bottom of this Conſpiracy, yet purpoſing to proceed, eſpecially againſt the Principal Actors therein, this Houſe hath reſolved, whereunto the Houſe of Peers hath likewiſe conſented, that for ſuch of the Army as the Conſpirators have endeavoured to work upon, if they will teſtifie their Fidelity to the State, by a *total Diſcovery* of that which they know, and can teſtifie therein, they ſhall not only be free from all Puniſhment, but alſo ſhall be eſteemed to have done that which is for the Service of the State, in the diſcovering ſo dangerous a Plot: And for ſuch of the Army as are and ſhall be found no ways tainted with the Deſign, or knowing any thing thereof, ſhall make ſuch diſcovery as aforeſaid, as this Houſe ſhall no ways doubt of their Loyalty and Fidelity, ſo it will have a ſpecial care, not only to ſatisfie all ſuch Arrears as this Houſe hath formerly promiſed to diſcharge, but alſo give a fair Teſtimony of the ſence they have of their preſent and paſt Wants. And it is ordered by this Houſe, That immediately after the Receipt hereof, you ſhall communicate this their Declaration unto all the Officers and Members of the Army under your Command.

Mr. *Hotham* ſent with a Meſſage to ſpeed the Bill of the Earl of *Strafford*'s Attainder, *May* 6

Mr. *Hotham* was ſent with a Meſſage to the Houſe of Lords, to deſire their Lordſhips to joyn with them, to move his Majeſty for his Conſent to the Bill of Attainder, in regard the Peace of the Kingdom doth ſo much depend upon the execution of that Bill, which had paſſed both Houſes; and accordingly a certain number of the Houſe of Peers were ſent unto his Majeſty, to acquaint him therewith; and alſo with the Bill for the continuance of this preſent Parliament.

A Bill for Preſſing.

The Houſe being informed, that Ships were ready to be put to Sea, but that Mariners could not be got, It was the ſame day reſolved, That a Bill ſhould be drawn to enable the preſſing of Mariners for a certain time, the Houſe being very tender of bringing the way of *Preſſing* into Example.

By the KING,

A Proclamation commanding *Henry Peircy* Eſq; *Henry Jermin* Eſq; Sir *John Suckling* Kt. *William Davenant*, and Captain *Billingſly*, to render themſelves within ten Days.

WHereas Henry Peircy Eſq; Henry Jermin Eſq; Sir John Suckling, Kt. William Davenant, and Captain Billingſly, being by Order of the Lords in Parliament to be examined, concerning Deſigns of great Danger to the State, and miſchievous Ways to prevent the happy Succeſs and Concluſion of this Parliament, have ſo abſented and withdrawn themſelves, as they cannot be examined; His Majeſty, by the Advice of the ſaid Lords in Parliament, doth ſtrictly charge and command the ſaid Henry Peircy, Henry Jermin, Sir John Suckling, William Davenant,

An. 1641. Davenant, and Captain Billingſly, to appear before the ſaid Lords in Parliament at Weſtminſter, within ten Days after the Date hereof, upon pain to incurr and undergo ſuch Forfeitures and Punishments as the ſaid Lords ſhall order and inflict upon them.

Given at his Majeſty's Court at *Whitehall*, the Eighth Day of *May*, in the Seventeenth Year of his Majeſty's Reign.

GOD SAVE THE KING.

May 9. The King calls his Privy-Council to meet on *Sunday*; alſo ſome Biſhops and Judges.

Sunday the Ninth of *May*, the King called his Privy-Council together at *White-hall*, and propounded ſeveral Scruples unto them, concerning the Bill of Attainder of the Earl of *Strafford*. Some of the Judges and Biſhops were preſent alſo, to whom his Majeſty imparted his Doubts, and had their Opinions therein. In fine, his Majeſty gave order for a *Commiſſion*, to impower the Earl of *Arundel*, the Lord Privy-Seal, and two other Lords, to give his Aſſent to the Bill, for the Execution of the Earl of *Strafford*; as alſo to the other Bill for the *Continuance of this preſent Parliament*.

May 10. The Commiſſion paſſed.

The Commiſſion paſſed under the great Seal, for giving the Royal Aſſent to the Bill for the Execution of the Earl of *Strafford*; and the Commons were ſent for to the Houſe of Lords, to be preſent at the giving of the Royal Aſſent to the ſaid Bill.

But Mr. *Maxwell*, Gentleman-Uſher of the Houſe of Lords, coming into the Houſe without knocking at the Door, and before he was called, without the Black-Rod in his Hand, Exceptions were taken to both; whereupon he withdrew, and afterwards came again with the Black-Rod, and did ſignifie to the Houſe, That his Majeſty's Aſſent to the Bill of Attainder was now to be given by Commiſſion; and that the Lords did expect Mr. Speaker, and the Houſe of Commons, to come up.

Mr. Treaſurer delivered a Meſſage from the King, That his Majeſty has already given direction to prepare a Patent to make the Lord *Salisbury* Lieutenant for *Dorſetſhire* (the Lord *Cottington* having offered to ſurrender up his Patent) ſaying further, *By this you may ſee how ready his Majeſty is to ſatisfie all our juſt Requeſts, and is reſolved to repoſe himſelf upon the Affections of his People.*

The Royal aſſent to the Bill for the Earl of *Strafford*, and that for continuing the Parliament.

Mr. Treaſurer is appointed to return Thanks to his *Majeſty*.

The Bill of Attainder of the Earl of *Strafford*, and the Bill for preventing Inconveniencies, by the untimely Adjourning, Proroguing, or Diſſolving this preſent Parliament, were both paſſed, the Royal Aſſent being thereto given by the Commiſſioners aforeſaid.

The Bill of Attainder of *Thomas* Earl of *Strafford*, May 11.

WHereas the Knights, Citizens, and Burgeſſes of the Houſe of Commons in this preſent Parliament aſſembled, have, in the Name of themſelves, and of all the Commons of England, impeached Thomas Earl of Strafford of High-Treaſon, for endeavouring to ſubvert the ancient and fundamental Laws and Government of his Majeſty's Realms of England and Ireland, and to introduce an Arbitrary and Tyrannical Government againſt Law in the ſaid Kingdoms, and for exerciſing a Tyrannous and Exorbitant Power over, and againſt the Laws

Laws of the said Kingdoms, and the Liberties, Estates, and Lives of his Majesty's Subjects; and likewise having by his own Authority commanded the Laying and Assessing of Soldiers upon his Majesty's Subjects in Ireland, against their Consents, to compel them to obey his unlawful Summons and Orders, made upon Paper-Petitions, in Causes between Party and Party, which accordingly was executed upon divers of his Majesty's Subjects, in a warlike manner, within the said Realm of Ireland; and in so doing, did levy War against the King's Majesty and his Liege-People in that Kingdom: And also for that he, upon the unhappy Dissolution of the last Parliament, did slander the House of Commons to his Majesty; and did counsel and advise his Majesty, That he was loose and absolved from the Rule of Government; and that he had an Army in Ireland, by which he might reduce this Kingdom; for which he deserves to undergo the Pains and Forfeitures of High-Treason. 16 Car.

And the said Earl hath been an Incendiary of the Wars between the two Kingdoms of England and Scotland: All which Offences, have been sufficiently proved against the said Earl upon his Impeachment:

Be it therefore enacted by the King's most excellent Majesty, and by the Lords and Commons in this present Parliament assembled, and by the Authority of the same, That the said Earl of Strafford, for the heinous Crimes and Offences aforesaid, stand, and be adjudged and attainted of High-Treason, and shall suffer such pain of Death, and incurr the Forfeitures of his Goods and Chattels, Lands, Tenements, and Hereditaments of any Estate of Freehold or Inheritance, in the said Kingdoms of England and Ireland, which the said Earl, or any other to his Use, or in Trust for him, have, or had, the Day of the first Sitting of this Parliament, or at any time since:

Provided, That no Judge or Judges, Justice or Justices whatsoever, shall adjudge or interpret any Act or Thing to be Treason, nor hear or determine any Treason, in any other manner than he or they should, or ought to have done before the making of this Act, and as if this Act had never been had or made, saving always unto all and singular Persons, Bodies Politick and Corporate, their Heirs and Successors, others than the said Earl and his Heirs, and such as Claim from, by, or under him, all such Right, Title, and Interest, of, in, and to all and singular such of the Lands, Tenements, and Hereditaments, as he, they, or any of them had before the first Day of this present Parliament, any thing herein contained to the contrary notwithstanding:

This Proviso hath occasioned the common Discourse and Opinion, That this Judgment against the Earl was enacted never to be drawn into Precedent in Parliament, whereas it expresly respects only Judges in inferiour Courts.

Provided that the passing of this present Act, or his Majesty's Assent thereunto, shall not be any Determination of this present Sessions of Parliament; but that this present Sessions of Parliament, and all Bills and Matters whatsoever depending in Parliament, and not fully enacted or determined, and all Statutes and Acts of Parliament, which have their Continuance until the end of this present Sessions of Parliament, shall remain, continue, and be in full force, as if this Act had not been.

The other Act then passed, was as followeth.

Anno

An. 1641.

Anno 17. Caroli Regis.

An Act to prevent Inconveniencies which may happen by the untimely Adjourning, Proroguing, or Diſſolving this preſent Parliament.

An Act for Continuance of the Parliament.

WHereas great Sums of Money muſt of neceſſity be ſpeedily advanced and provided for the Relief of his Majeſty's Army and People in the Northern parts of this Realm, and for preventing the imminent Danger it is in, and for ſupply of other his Majeſty's preſent and urgent Occaſions, which cannot be ſo timely effected as is requiſite, without Credit for raiſing the ſaid Moneys; which Credit cannot be obtained, until ſuch Obſtacles be firſt removed, as are occaſioned by Fears, Jealouſies, and Apprehenſions of divers his Majeſty's Loyal Subjects, that this preſent Parliament, may be Adjourned, Prorogued, or Diſſolved, before Juſtice ſhall be duly executed upon Delinquents, publick Grievances redreſſed, a firm Peace between the two Nations of England and Scotland concluded, and before ſufficient proviſion be made for the Re-payment of the ſaid Moneys ſo to be raiſed: All which, the Commons in this preſent Parliament aſſembled, having duly conſidered, do therefore moſt humbly beſeech your Majeſty, that it may be declared and enacted.

And be it declared and enacted by the King our Soveraign Lord, with the Aſſent of the Lords and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That this preſent Parliament now aſſembled, ſhall not be diſſolved, unleſs it be by Act of Parliament to be paſſed for that purpoſe; nor ſhall be, at any time or times, during the continuance thereof, prorogued or adjourned, unleſs it be by Act of Parliament to be likewiſe paſſed for that purpoſe: And that the Houſe of Peers ſhall not at any time or times, during this preſent Parliament, be adjourned, unleſs it be by themſelves, or by their own Order: And in like manner, That the Houſe of Commons ſhall not, at any time or times, during this preſent Parliament, be adjourned, unleſs it be by themſelves, or by their own Order: And that all and every thing or things whatſoever done, or to be done for the adjournment, proroguing, or diſſolving of this preſent Parliament, contrary to this Act, ſhall be utterly void, and of none effect.

The Earl of *Strafford* preſented the following Petition to the Houſe of Lords.

To the Right Honourable the Lords Spiritual and Temporal, in this preſent Parliament aſſembled;

The Humble Petition of Thomas *late Earl of* Strafford,

Sheweth,

The Earl of *Strafford*'s Petition to the Houſe of Peers, *May* 10.

'THat ſeeing it is the good Will and Pleaſure of GOD, that your 'Petitioner is now ſhortly to pay that Duty which we all owe to 'our frail Nature, he ſhall in all Chriſtian Patience and Charity, conform

and

'and ſubmit himſelf to your Juſtice, in a comfortable Aſſurance of the 'great Hope laid up for us, in the Mercy and Merits of our Saviour, Bleſ- 'ſed for ever. 16 *Car.*

'Only he humbly craves leave to return your Lordſhips moſt humble 'Thanks, for your Noble Compaſſion towards thoſe innocent Children, 'whom now, with his laſt Bleſſing, he muſt commit to the Protection of 'Almighty GOD, beſeeching your Lordſhips to finiſh his pious Intentions 'towards them; and deſiring that the Reward thereof, may be fulfilled in 'you, by HIM that is able to give *above all we are able to ask or think*, 'wherein I truſt the Honourable Houſe of Commons will afford their 'Chriſtian Aſſiſtance.

'And ſo beſeeching your Lordſhips charitably to forgive all his Omiſſi- 'ons and Infirmities, he doth very heartily and truly recommend your Lord- 'ſhips to the Mercies of our Heavenly Father, and that for His Goodneſs 'he may perfect you in every good Work. *Amen.*

Tho. Wentworth.

His Majeſty's Letter to the Lords, on the behalf of the Earl of Strafford, *ſent by the Prince.*

My Lords;

I Did yeſterday ſatisfie the Juſtice of the Kingdom, by paſſing the Bill of Attainder againſt the Earl of *Strafford*; but *Mercy* being as inherent and inſeparable to a King as Juſtice, I deſire at this time in ſome meaſure, to ſhew that likewiſe, by ſuffering that unfortunate Man to fulfil the natural courſe of his Life in a cloſe Impriſonment; yet ſo, that if ever he make the leaſt offer to eſcape, or offer directly or indirectly to meddle in any ſort of publick Buſineſs; eſpecially with me, either by Meſſage or Letter, it ſhall coſt him his Life without further Proceſs. This, if it may be done without the Diſcontentment of my People, will be an unſpeakable Contentment to me.

To which end, as in the firſt place, I by this Letter do earneſtly deſire your Approbation; and to endear it the more, have choſen him to carry it, that of all your Houſe is moſt dear to me: So, I deſire, that by a Conference you will endeavour to give the Houſe of Commons contentment: Likewiſe aſſuring you, that the excuſe of *Mercy* is no more pleaſing to me, than to ſee both Houſes of Parliament conſent for my ſake, that I ſhould moderate the ſeverity of the Law, in ſo important a Caſe.

I will not ſay that your complying with me, in this my intended *Mercy*, ſhall make me more willing, but certainly it will make me more cheerful in granting your juſt Grievances. But if no leſs than his Life can ſatisfie my People, I muſt ſay *fiat Juſtitia*. Thus again recommending the conſideration of my Intentions to you, I reſt

Whitehall, May 11. 1641.

Your Unalterable and Affectionate Friend,

CHARLES, *R.*

P. S. If he muſt die, it were Charity to Reprieve him 'till *Saturday*.

This Letter, all written with the King's own Hand, the Peers this Day received in Parliament, delivered by the Hand of the Prince. It was twice read in the Houſe; and after Serious and SAD Conſideration, the Houſe reſolved preſently to ſend twelve of the Peers, Meſſengers to the King; humbly *May* 11.

An. 1641. to ſignifie, that neither of the two Intentions expreſſed in the Letter, could with Duty in them, or without danger to himſelf, his deareſt Conſort, the Queen, and all the young Princes, their Children, poſſibly be adviſed: with all which being done accordingly, and the Reaſons ſhew'd to his Majeſty, he ſuffered no more Words to come from them, but out of the fulneſs of his Heart to the obſervance of Juſtice, and for the Contentment of his People, told them, That what he intended by his Letter was with an (*if*) If it may be done without diſcontentment of my People; if that cannot be, I ſay again the ſame that I writ, *fiat juſtitia*. My other intention proceeding out of Charity for a few days reſpite, was upon certain Information that his Eſtate was ſo diſtracted, that it neceſſarily required ſome few Days for ſettlement thereof.

Whereunto the Lords anſwered, Their purpoſe was to be Suitors to his Majeſty for favour to be ſhew'd to his innocent Children; and if himſelf had made any Proviſion for them, that the ſame might hold.

This was well liking to his Majeſty, who thereupon departed from the Lords. At his Majeſty's parting they offered up into his hands the Letter it ſelf which he had ſent; but he was pleaſed to ſay, My Lords, What I have written to you, I ſhall be content it be Regiſtred by you in your Houſe. In it you ſee my mind, I hope you will uſe it to my Honour.

This, upon return of the Lords from the King, was preſently reported to the Houſe by the Lord Privy-Seal, and ordered, that theſe Lines ſhould go out with the King's Letter, if any Copy of the Letter were diſperſed.

Subſidies 400000 *l.*

The Houſe of Commons being this Day in a Grand Committee, to conſider of the raiſing of Money,

Mr. *Hyde* Reports from the Committee of the whole Houſe. Whereupon it was *Reſolved* upon the Queſtion, That 400000 *l.* be raiſed for the great Affairs of the Kingdom.

After which Report of *Mr. Hyde*'s, *Mr. Pym* Reports the firſt part of the Conference, this Day had with the Lords, *viz.* A Letter from Captain *Philip Cartret*, concerning *French* Forces, drawn down to the Sea-ſide, about Three thouſand in number, expecting their general Garriſon, and ſuſpected to have a Deſign upon *Portſmouth*.

French Forces drawn to the Sea-ſide.

Tumults about the Queen-Moth. A Proclamation to prohibit Tumults.

Mr. Treaſurer Reports the ſecond part of the Conference concerning the Safety of the Queen-Mother, and the Tumults that have been raiſed (in which three men have been ſlain) and ſome way for ſuppreſſing of them; and that it may be declared by Proclamation, That the King hath taken the *Queen-Mother* into his Royal Protection; and that the Trained-Bands may be appointed for her Guard, and a Liſt taken of her Servants: and that a Proclamation may be ſet forth to prohibit all Tumults, and drawing together of People, upon ſevere Penalties.

Mr. Pym further Reports from the free Conference with the Lords, That the Earl of *Dorſet* ſaid, he was commanded to repreſent to the Houſe of Commons, That they had received many Petitions from *Merchants* ready to hoiſe Sail to Sea, which they could not do by reaſon of the *ſtopping of the Ports*, and that hereby they loſe their Voyage, much of their Goods being periſhable, and the Charges of ſtay great; Yet the Houſe of Peers would not let the Ports be open, till they had acquainted the Houſe of Commons therewith, to the end that they may joyn with them; which they have ordered accordingly to be done.

And

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And Mr. Treaſurer Reports another part of the Conference, that the Earl of *Holland* ſaid, That the Lords having been informed of the Fears the *Queen-Mother* hath of the Diſorders of the People, that ſhe hath ſent two or three Meſſengers to expreſs her Apprehenſions and Fears, *deſiring a Guard*; and that he, being Lieutenant of *Middleſex*, gave Directions for a Guard of an hundred Muſqueteers, to be ſent as a Guard to her Perſon: But he found great unwillingneſs in ſome of them to go, ſaying, *they thought it fitter for them to do other things, than to guard any Stranger*; which makes him think ſhe may be in ſome Danger.

And this Day the Lords are informed by the Marſhal of the City, that the *Multitude* talk of coming this Day into St. *James's* Fields, near the Queen-Mother. 'Now, ſaid the Earl, if any thing ſhould happen to the 'Queen, it would be a great diſhonour to the Nation, ſhe being come 'hither for Protection from the King and Queen, her Daughter, and ought 'to be conſidered as a Lady, who is Mother to the greateſt Princeſs in 'Chriſtendom: Beſides, ſhe hath lived here with that Modeſty and Mo'deration, as is to be wondred at.

The City Members alſo Informed the Houſe, That the *Diſorders* of the Multitude are very great; and that the laſt Night there marched towards the Tower a Thouſand Sailers, who were got together, having a *Flag of a Ship*, and pull'd down Two Houſes: the Train'd Bands oppoſed them, and kill'd Two of them. They pretended Ships were ſtopt, Trading was dead, and they muſt not want: So the Lords concluded, That they would deſire the Advice of the Commons to prevent theſe things.

Which being afterwards ſeriouſly taken into Conſideration by the Houſe of Commons, this matter was referred to a Committee; who conſidered thereof, and ordered Mr. *Hen. Martin*, Chair-man of that Committee, to make Report of their Opinion to the Houſe: and Mr. *Martin* made the Report following:

Mr. *Martin*'s Report touching the Queen-Mother.

Mr. *Martin* Reports from the Committee concerning the Queen-Mother, That the Committee hath conſidered her Fears concerning the Tumults, and therefore ſhould agree to all good Ways and Means, that might conduce to the Safety of her Perſon: but fearing, leaſt notwithſtanding all the Means that have or may be uſed, may prove inſufficient for the Aſſurance of her Protection; That the Houſe do move their Lordſhips, humbly to beſeech his Majeſty, that her Majeſty may be moved to depart the Kingdom, the rather for the quieting of thoſe Jealouſies in the Hearts of his Majeſty's well-affected Subjects, occaſioned by ſome ill Inſtruments about that Queen's Perſon, by the flowing of Prieſts and Papiſts to her Houſe, and by the uſe and practice of the Idolatry of the Maſs.

Wedneſday May 12. The Earl of *Strafford* brought to the Scaffold.

The Earl of *Strafford* was brought from the Tower to the Scaffold upon *Tower-hill*, where the Biſhop of *Armagh*, the Earl of *Cleveland*, Sir *George Wentworth*, Brother to the ſaid Earl of *Strafford*, and others of his Friends were preſent to take their leaves of him; but before he fitted himſelf to proſtrate his Body to Execution, he deſired patience of the People to hear him ſpeak a few Words; which the Author took in Characters from his Mouth, being then there on the Scaffold, *viz.*

His Speech.

My Lord Primate of Ireland, *and my Lords, and the reſt of theſe Noble Gentlemen, it is a great comfort to me to have your Lordſhips by me this Day, becauſe I have been known to you a long time, and I now deſire to be heard a few words.*

An. 1641. *I come here, my Lords, to pay my last Debt to Sin, which is death; and through the Mercies of God to rise again to Eternal Glory.*

My Lords, If I may use a few Words, I shall take it as a great Courtesie from you. I come here to submit to the Judgment that is passed against me. I do it with a very quiet and contented Mind; I do freely forgive all the World; a Forgiveness not Teeth-outwards (as they say) but from my Heart, I speak in the presence of Almighty God, before whom I stand, that there is not a displeasing Thought that ariseth in me against any Man; I thank God I say truly, my Conscience bears me witness, that in all the Honour I had to serve his Majesty, I had not any intention in my Heart, but what did aim at the joynt and individual prosperity of the King and his People, although it be my ill hap to be misconstrued. I am not the first Man that hath suffered in this kind, it is a common Portion that befals Men in this Life; Righteous Judgment shall be hereafter; here we are Subject to Error, and misjudging one another.

One thing I desire to be heard in, and do hope, that for Christian Charity's sake I shall be believed. I was so far from being against Parliaments, that I did always think Parliaments in England *to be the happy Constitution of the Kingdom and Nation, and the best Means, under God, to make the King and his People happy. As for my Death, I do here acquit all the World, and beseech God to forgive them in particular. I am very glad his Majesty conceives me not meriting so severe and heavy a Punishment, as the utmost Execution of this Sentence; I do infinitely rejoice in it, and in that Mercy of his, and do beseech God to return him the same, that he may find Mercy when he hath most need of it. I wish this Kingdom all Prosperity and Happiness in the World. I did it living, and now dying it is my wish.*

I profess heartily my Apprehension, and do humbly recommend it to you, and wish that every Man would lay his Hand on his Heart, and consider seriously, whether the beginning of the Peoples Happiness should be written in Letters of Blood: I fear they are in a wrong way; I desire Almighty God, that no one drop of my Blood rise up in Judgment against them. I have but one word more, and that is for my Religion.

My Lord of Armagh, *I do profess my self seriously, faithfully, and truly to be an obedient Son of the Church of* England; *in that Church I was born and bred; in that Religion I have lived; and now in that I die; Prosperity and Happiness be ever to it.*

It hath been said I was inclined to Popery; if it be an Objection worth the answering, let me say truly from my Heart, that since I was Twenty one years of Age unto this Day, going on Forty nine Years, I never had thought or doubt of the truth of this Religion; nor had ever any the boldness to suggest to me the contrary, to my best Remembrance.

And so being reconciled to God, through the Merits of Jesus Christ my Savior, into whose Bosom I hope shortly to be gathered, to enjoy eternal Happiness, which shall never have an end, I desire heartily to be forgiven of every Man, if any rash or unadvised Words or Deeds have passed from me, and desire all your Prayers; and so, my Lord, farewel, and farewel all things in this World.

The Lord strengthen my Faith, and give me Confidence and Assurance in the Merits of Christ Jesus. I trust in God we shall all meet to live eternally in Heaven, and receive the Accomplishment of all Happiness, where every Tear shall be wiped from our Eyes, and sad Thoughts from our Hearts; and so God bless this Kingdom, and Jesus have Mercy on my Soul.

Then turning himself about, he saluted all the Noblemen, and took a solemn leave of all considerable Persons on the Scaffold, giving them his *Hand*.

And

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And after that, he ſaid, *Gentlemen, I would ſay my Prayers, and I entreat you all to pray with me, and for me*: Then his Chaplain laid the Book of Common-Prayer upon the Chair before him, as he kneeled down; in which he prayed almoſt a quarter of an hour; then he prayed as long or longer without a Book, and ended with the Lord's Prayer: Then ſtanding up, he ſpyed his Brother, Sir *George VVentworth*, and called him to him, and ſaid, *Brother, we muſt part, remember me to my Siſter, and to my Wife, and carry my Bleſſing to my eldeſt Son; and charge him from me, That* he fear God, and continue an obedient Son of the Church of *England*; *and that he* approve himſelf a faithful Subject to the King, *and tell him, That he ſhould not have* any private Grudge or Revenge towards any concerning me; *and bid him beware to meddle with* Church-Livings, *for that will prove* a Moth and Canker to him in his Eſtate; *and wiſh him to content himſelf to be a Servant to his Country, as a Juſtice of Peace in his County, not aiming at higher Preferments. Carry my Bleſſing alſo to my Daughters*, Ann, *and* Arrabella, *charge them to fear and ſerve God, and he will bleſs them*; *not forgetting my* little Infant, *that knows neither Good nor Evil, and cannot ſpeak* for it ſelf; God ſpeak for it, and bleſs it: *Then ſaid he, I have nigh done*, one ſtroak will make my Wife Husbandleſs, my dear Children Fatherleſs, and my poor Servants Maſterleſs, and ſeparate me from my dear Brother, and all my Friends; but let God be to you and them all in all.

His Death.

After that, going to take off his Doublet, and to make himſelf unready, he ſaid, *I thank God I am no more afraid of death; nor daunted with any Diſcouragements ariſing from any Fears, but do as chearfully put of my Doublet at this time, as ever I did when I went to Bed*; then he put off his Doublet, and wound up his Hair with his Hands, and put on a white Cap.

Then he called, *Where is the Man that ſhould do this laſt Office*, (meaning the *Executioner*,) *call him to me?* when he came and asked him forgiveneſs, he told him, *he forgave him and all the World.* Then kneeling down by the Block, he went to Prayer again himſelf, the Biſhop of *Armagh* kneeling on the one ſide, and the Miniſter on the other; to the which Miniſter, after Prayer, he turned himſelf, and ſpoke ſome few words ſoftly, having his Hands lifted up, the Miniſter cloſed his Hands with his: Then bowing himſelf to the Earth, to lay down his Head on the Block, he told the Executioner, *That he would firſt lay down his Head to try the fitneſs of the Block, and take it up again, before he laid it down for good and all*; and ſo he did: And before he laid it down again, he told the Executioner, *That he would give him warning when to ſtrike, by ſtretching out his Hands*; and then laid down his Neck on the Block, ſtretching out his Hands, the Executioner *ſtruck of his Head at one Blow*: Then took the Head up in his Hand, and ſhewed it to all the People, and ſaid, *God ſave the King.*

May 12. Deans and Chapters.

This Day alſo Doctor *Hacket* being admitted into the Houſe of Commons to ſpeak what he thought fit to be offered to the Conſideration of that Honourable Houſe, on the behalf of Deans and Chapters, made a learned Oration to that purpoſe; wherein he inſiſted, That it tends to the Glory of God, the Advancement of true Religion and Piety, Encouragement of Learning, and Good of the Commonwealth: That in Queen *Elizabeth*'s time divers of the moſt learned Divines were placed in Cathedral Churches; who preached Two Sermons every Lords Day; and in every Week in the Year a Lecture; and Grammar-Schools are maintained by the Revenue of Cathedrals; and theſe Structures are the firſt Monuments of Chriſtianity: St. *Paul* ſaith, *Thou that abhorreſt Idols*,

An. 1641.

Idols, doſt thou commit Sacrilege? It will be a poor Structure that is built upon the Ruines of the Rewards of Learning; nothing but Ignorance will follow, and upon the Chaos of that Ignorance, nothing but Prophaneneſs and Confuſion. After which, Dr. *Burgeſs* made a large Anſwer to what had been alledged by the ſaid Dr. *Hacket*; and the further Debate was adjourned to this Day ſeven-night; only the Houſe at this time paſſed this Vote, That the Deans and Chapters of all Cathedrals in general, be from this Houſe required and enjoined, To ſuffer the Inhabitants of the places where Cathedrals are, to have free liberty to have a Sermon preached in their Cathedrals every *Sunday* in the Afternoon.

Liberty for Afternoon-Sermons in Cathedrals.

Alſo the following Petitions were preſented from the two Univerſities, in favour of the Deans and Chapters, and for their continuance.

Petition of the Univerſity of Oxford.

To the High and Honourable Court of Parliament;

The Humble Petition of the Univerſity of Oxford,

Sheweth,

'THat whereas the Univerſity hath been informed of ſeveral Petitions, concerning the preſent Government of this Church, and maintenance of the Clergy, which have of late been exhibited to this Honourable Aſſembly; we could not but think our ſelves bound in *Duty* to God, and this whole Nation, *Charity* to our ſelves and Succeſſors, who have and are like to have more than ordinary Intereſt in any Reſolution that ſhall be taken concerning Church-Affairs, in all humility, to deſire the continuance of that Form of Government, which is now eſtabliſhed here, and hath been preſerved in ſome of the Eaſtern and Weſtern Churches, in a continual Succeſſion of Biſhops, down from the very Apoſtles to this preſent time, the like whereof cannot be affirmed of any other Form of Government in any Church. Upon which conſideration, and ſuch other Motives as have already been repreſented to this Honourable Parliament, from other Perſons and Places (with whom we concurr) in behalf of Epiſcopacy, we earneſtly deſire, That you would protect that Ancient and Apoſtolical Order from Ruine and Diminution.

'And become further Suitors for the continuance of thoſe pious Foundations of Cathedral Churches, with their Lands and Revenues;

'As Dedicated to the Service and Honour of *GOD*, ſoon after the Plantation of Chriſtianity in the *Engliſh* Nation.

'As thought fit and uſeful to be preſerved for that end, when the Nurſeries of Superſtition were demoliſhed, and ſo continued in the laſt and beſt Times, ſince the bleſſed Reformation, under King *Edward* VI. Queen *Elizabeth*, and King *James* I. Princes renowned through the World for their Piety and Wiſdom.

'As approved and confirmed by the Laws of this Land, ancient and modern.

'As the principal outward Motive and Encouragement of all Students, eſpecially in Divinity, and the fitteſt Reward of ſome deep and eminent Scholars.

'As

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'As producing or nouriſhing, in all Ages, many Learned and God-'ly Men, who have moſt ſtrongly aſſerted the Truth of that Religion 'we profeſs, againſt the many fierce Oppoſitions of our Adverſaries of '*Rome*.

'As affording a competent Portion in an ingenuous Way to many young-'ger Brothers of good Parentage, who devote themſelves to the Miniſtry 'of the Goſpel.

'As the only means of Subſiſtence to a multitude of Officers and other 'Miniſters, who, with their Families, depend upon them, and are wholly 'maintained by them.

'As the main Authors or Upholders of divers Schools, Hoſpitals, High-'ways, Bridges, and other publick and pious Works.

'As ſpecial Cauſes of much Profit and Advantage to thoſe Cities where 'they are ſituate, not only by relieving their Poor, and keeping convenient 'Hoſpitality, but by occaſioning a frequent reſort of Strangers from other 'parts, to the great Benefit of all Trades-men and Inhabitants of thoſe 'Places.

'As the goodly Monuments of our Predeceſſors Piety, and preſent Ho-'nour of this Kingdom in the Eye of foreign Nations.

'As the chief ſupport of many thouſand Families of the Laity, who en-'joy fair Eſtates from them in a free way.

'As yielding a conſtant and ample Revenue to the Crown; and as 'by which many of the Learned Profeſſors of our Univerſity are main-'tained.

'The ſubverſion or alienation whereof, muſt (as we conceive) not on-'ly be attended with ſuch Conſequences, as will redound to the ſcandal of 'many well-affected to our Religion, but open the Mouths of our Adver-'ſaries, and of Poſterity againſt us; and is likely, in time, to draw after 'it harder Conditions upon a Conſiderable part of the Laity, and univer-'ſal Cheapneſs and Contempt upon the Clergy; a lamentable Drooping 'and Defection of Induſtry and Knowledge in the Univerſities, which is 'eaſie to foreſee, but will be hard to remedy.

'May it therefore pleaſe this Honourable Aſſembly, upon theſe and ſuch other Conſiderations, as your great Wiſdoms ſhall ſuggeſt, to take ſuch pious Care for the continuance of theſe Religious Houſes and their Revenues, according to the beſt Intentions of their Founders, as may be to the moſt furtherance of God's Glory and Service, the Honour of this Church and Nation, the Advancement of Religion and Learning, the Encouragement of the modeſt Hopes and honeſt Endeavours of many hundred Students in the Univerſities,

Who do and ſhall ever pray, &c.

Dat. Anno Dom. Milleſimo Sexcent. Quad' primo è domo Convocationis, in celebri Conventu Doctorum ac Magiſtrorum, omnibus & ſingulis Aſſentientibus.

Letter

An. 1641.

Letter from the Univerſity of Cambridge, *to the Houſe of Commons, read in the Houſe,* May 12. 1641.

Honoratiſſimis Viris Equitibus, Civibus, & Burgenſibus, Supremæ Curiæ Parliamentariæ Senatoribus Conſultiſſimis.

Summâ cum Demiſſione.

Senatores Honoratiſſimi,

NOn veremur ne volventibus tanta negotia moleſti ſimus Academia Cantabrigienſis, cum nihil ſit aut ad Religionem certius, aut ad ſplendorem nominis excelſius, quam ſuſcipere Literarum Clientelam. In quo ſtudio, cum ſingularis animi veſtri propenſio ſemper eluxerit, tum nullâ in re magis poſſit eminere, quam ſi Eccleſiæ honeſtamenta ea, quæ ſub optimis Regibus tam diu obtinuerunt, indelibata tueamini.

Non enim agitur unius Academiæ, non unius ætatis cauſa; nam nec Induſtria poterit non relangueſcere, nec bona Indoles ali, atque augeri, nec vota Parentum non in irritum cadere, niſi ſpe non vanâ ſuffulciantur. Quam præmaturum putemus bonis Artibus occaſum imminere, ſi ſtipendium idem Militi ſit quod Imperatori? Sunt qui expediendis ſcholaſticorum ambagibus, evolvendis antiquorum Patrum Monumentis, expurgandæ fœci Romanæ, velut Augeæ ſtabulo, ſe totos impenderunt; nec aliam mercedem prenſant, quam in Eccleſia Cathedrali, tandem aliquando quaſi in portu conquieſcere; ita fit, ut quod ignavis aſylum inſcitiæ eſt, id Candidioribus Ingeniis pro ſtimulo ſit ad optima perſequenda, nec Æquitas Judiciorum veſtrorum ferret improbitatem nonnullorum in publicam calamitatem redundare. Impetigo Romana quam amplam tum ſibi nacta videbitur ſe defendendi materiam, cum non ſit niſi imbelles adverſarios habitura? Neque enim certamini vacare poſſunt, qui id unice agunt, ut in Roſtris Concionibus ſudent; etiamnum perſentiſcere nobis videmur nudam & inanem Academiam, & antiquam paupertatem quaſi præludio perhorreſcimus: nec veſtra progenies non aliquando ventura eſt in tantarum miſeriarum partes. Quin itaque, Senatores Ampliſſimi! perſpes parentum, per illecebras Induſtriæ, per ſubſidia ſimul & ornamenta Pietatis, per vincula, nervos & firmamenta Literarum, velitis ſplendorem Eccleſiæ, qui longiſſimis ab uſque temporibus, ad noſtra tempora deductus eſt, Authoritate veſtra communire. Sed quia Lingua nativa dolores & deſideria ſua fœlicius exprimit, annexam Literis Petitionem benevolis Auribus excipietis.

Honori veſtro Deditiſſimi,

Procancellarius, Reliquuſque Cœtus Academiæ Cantabrigienſis.

Datæ è frequente Conventu noſtro Cantabr. tertio Idus Aprilis, 1641.

To

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To the Honourable the Knights, Citizens, and Burgeſſes, of the Houſe of Commons, aſſembled in Parliament.

The humble Petition of the Univerſity of Cambridge,

Sheweth,

'THat your Petitioners having heard of divers Suggeſtions offered to this Honourable Court, by way of Remonſtrance, tending to the 'Subverſion of Cathedral Churches, and Alienation of thoſe Lands, by 'which they are ſupported, being the ancient Inheritance of the Church, 'founded and beſtowed by the Religious Bounty of many Famous and 'Renowned Kings and Princes of this Land, and other Benefactors both 'of the Clergy and Laity, and eſtabliſhed and confirmed unto them by 'the Laws of this Kingdom; and ſo accordingly have been employed to 'the Advancement of Learning, the Encouragement of Students, and 'Preferment of Learned Men, beſides many other pious and charitable 'Uſes.

'May it pleaſe this Honourable Court, out of their great Wiſdom and 'tender Care for the cheriſhing of Learning, and furtherance of 'the Studies and Pains of thoſe who have and do devote them- 'ſelves to the Service of the Church, graciouſly to protect and 'ſecure thoſe Religious Foundations from Ruine and Alienation; 'and withal to take order that they may be reduced to the due ob- 'ſervation of their Statutes; and that all Innovations and Abuſes, 'which have by ſome Men's Miſcarriages crept in, may be reformed, 'that ſo the Students of our Univerſity, which by the preſent Fears 'are diſcouraged, may be the better invited to purſue their Studies 'with alacrity, and the Places themſelves diſpoſed to the moſt ſer- 'viceable and deſerving Men, according to their firſt Inſtitution;

And your Petitioners, as in Duty bound, ſhall ever pray, &c.

Upon a Conference with the Lords, it was concluded, That there ſhould be an Order throughout the Kingdom, that all ſhould make known what Arms they have in their Cuſtody; and that all Papiſts be diſarmed. *May* 13.

Reſolved, That whereas ſome Doubts have been raiſed concerning the meaning of theſe Words in the Proteſtation, [*The true Reformed Proteſtant Religion, expreſſed in the Doctrine of the Church of* England, *againſt all Popery and Popiſh Innovations in this Realm*]: The Houſe doth declare, That by theſe Words, was and is to be intended and meant only the publick Doctrine profeſſed in the ſaid Church; and that the ſaid Words are not to be extended to the maintaining of any Form of Worſhip, Diſcipline, or Government, nor of Rites or Ceremonies.

The Patent concerning Fullers Earth, and the Tranſportation thereof, to be taken into ſpeedy Conſideration to prevent the ſame.

The Gentleman-Uſher acquainted the Houſe, That his Majeſty was come to the Houſe of Lords, and expected their Attendance; the Houſe forthwith repaired thither, and preſented the three Bills following to be paſſed, *viz.*

1. A Bill for the Abbreviation of *Michaelmaſs*-Term.
2. A Bill for the preſſing of Mariners for the King's Ships.
3. A Bill for the Remainder of the ſix entire Subſidies.

An. 1641.

And Mr. Speaker made this Speech to his Majeſty on that occcaſion.

The Speaker's Speech, May 13.

May it pleaſe your moſt Excellent Majeſty;

THe great Security of the Kingdom, reſts in the happy Concurrence of the King and People, in the Unity of their Hearts.

Thoſe joyned, Safety and Plenty attend the Sceptre; but divided, Diſtraction and Confuſion, as Briars and Thorns, over-ſpread and make the Land barren; there is then no Peace to the King, no Proſperity to the People. The Duties and Affections of your Subjects, are moſt tranſparent, moſt clear, in the cheerful and moſt liberal Contributions given, to knit faſt this Union with the Bond of Peace.

The Treaſures of the Privy-Purſe, are but the Supplies of Fancies, warranted by a common Intereſt; but the publick Treaſure given by common Aſſent, ſupports Royal Dignity, is ſheltered under the Wings of Prerogative, and by that Power is covered from the eyes, from the touch of Deceivers.

In theſe we render *Cæſar* what is due to *Cæſar*, and Tribute to whom Tribute belongeth.

The proper Inſcription of the Crown is born here, and cenſures thoſe malignant Spirits that dare whiſper into the Ears of ſacred Majeſty, That our ſelves only, not your ſacred Perſon, nor your Royal Poſterity, are the ſupreme Objects of the Givers.

The preſervation of the publick Union, the ſupply of your Armies, the Diſtreſſes, miſerable Diſtreſſes of the Northern parts, the common Calamities of the Times, begat the Conſideration of this Bill (the remainder of the ſix entire Subſidies, happily preſented to your ſacred Majeſty by this unworthy Hand): The firſt Vote advanced a Credit to us, to iſſue them for the Uſe of your ſacred Majeſty.

The full Perfection adds growth to that Credit, and enables us to return to your ſacred Majeſty, as to the Ocean, the Tribute due to Juſtice and Soveraignty: Theſe are the Earneſts of our vaſt Deſires, which take their Riſe from our due Regards for the Safety of your Throne, and of your Poſterity.

Your Royal Aſſent ſtamps your Image here, and makes this Yours, and Yours only, which I by the Commands of the Commons do humbly beſeech of your Majeſty to grant.

And accordingly his Majeſty then gave his Royal Aſſent to all the ſaid three Bills.

May 14. *Ordered*, That *Suſſex* be provided with Ammunition.

A Warrant to Tranſport Mr. *Henry Jermin* into *France*.

CHARLES *R.*

COlonel Goring, *Theſe are to Command you to provide with all ſpeed, a Ship for this Bearer, to carry him to* Diep *or* Calais, *or any other part of* France *that the Wind may be good for; and if there be any of my Ships or Pinnaces ready to go forth, you ſhall command the Captain or Maſter of ſuch Ship or Pinnace, to receive him and his Servants, and carry him into* France; *for which this ſhall be a Warrant to the Captain or Maſter you may employ: And hereof you nor they are not to fail, as you or they will anſwer the contrary at your peril. Given at* White-hall *this Fourteenth of* May, 1641.

To our Truſty and Welbeloved Servant, *George Goring* Governour of *Portſmouth*.

A Conference deſired with the Lords, concerning Mr. *Piercy*.

16 Car.

A Committee to preſent the ſtate of the Accompts of *Northumberland*, *Durham*, *Cumberland*, *Weſtmorland*, *Barwick*, and *Newcaſtle*.

Munday, May 17.

Ordered, That the Conſideration of the Printing of certain Verſes, under the Name and Picture of *Thomas* late Earl of *Strafford*, be referred to a Committee.

Mr. *Davenant* taken and committed.

That Mr. *Davenant* the Poet, ſuppoſed to be concerned in the late Conſpiracy for bringing up the Army to over-awe the Parliament, and lately taken at *Feverſham*, as he was endeavouring to eſcape out of the Land, be committed to the Cuſtody of the Serjeant at Arms.

Ordered, That no new Buſineſs or Petitions ſhould be received into the Houſe, or by any Committee, for one Month next following. And that all Committees ſhould ſpeedily bring in what Buſineſs they have in hand and ready, and ſo to be delivered up to the Lords; and that all Delinquents, as for the Wine-Buſineſs, and others that have been laid aſide, ſhall be brought in for diſpatch.

Uniformity in Church-Government between the two Kingdoms.

Reſolved, That this Houſe doth approve of the Affection of their Brethren of *Scotland*, in their deſire of a Conformity in Church-Government between the two Nations, and doth give them Thanks for the ſame.

An Order to prevent going to Maſs.

The Houſe receiving information of great reſort of *Engliſh* Papiſts to Maſs at Ambaſſadors Houſes, paſſed the following Order for preventing the ſame.

Lunæ 17. *Maii*, 1641.

It is this Day *Ordered* by the Houſe of Commons now aſſembled in Parliament, That the Lord Mayor of *London*, the Juſtices of Peace of *Middleſex*, *Weſtminſter*, and the Liberties of the Dutchy of *Lancaſter*, and thoſe of *Surry* that are for the Borough of *Southwark*, and the Places adjoining, do employ their beſt Endeavours to prevent, That none of the King's Subjects do frequent the Houſes of any of the Ambaſſadors, *Somerſet*-Houſe, or St. *James*'s, to hear Maſs: And that they give an account to this Houſe of the Execution of this Order, at all ſuch times as by the ſaid Houſe they ſhall be required.

The Lord *Cottington* having reſigned his Place of Maſter of the Court of Wards, the Lord *Say* was this day admitted thereunto, and ſworn.

May 18.

Ordered, That the Conſideration of the Paper, called the *Scots Belief*, be referred to the Committee for Printing.

Treaty with the *Scots*.

The Houſe fell upon the ſecond Head of the *Scots* Demands, *For a ſetled Peace*, and a Meſſage came from the Lords, certifying, That they did well approve of the *Scots* Demand in this point, That neither Kingdom ſhould *wage War* without Conſent of both Parliaments; but this was remitted to their Lordſhips, deſiring they would explain themſelves in this point, what ſhould be termed a *waging of War*.

In the Afternoon a Committee appointed concerning the Archbiſhop of *Canterbury*'s cauſing divers printed Books to be ſeized on, where it was *Ordered*, That thoſe Bibles that were printed beyond-Sea, with Notes, and ſeized on, ſhould be delivered back to the Owners, and publick ſale made of them.

Another Committee for the High-Commiſſion-Court, another for Breach of Privilege of Parliament, in 3. *Car.* and another to conſider what Committees are fit to ſit till the Houſe be adjourned.

May 19. *Newton* a Popiſh Prieſt.

One *Newton* a Popiſh Prieſt was committed to the *Gate-Houſe*.

A Meſſage to the Lords, deſiring that the *French* Letters might be ſtopt

An. 1641. this Week, as they were the laſt, and viewed by a Committee; which was done accordingly.

Bill read concerning Epiſcopacy, to take away the Biſhops Votes in Parliament; and that no Clergy man ſhall intermeddle in ſecular Affairs.

Dr. *Juxon* reſigns his Place of Treaſurer.

Dr. *Juxon* Biſhop of *London*, Lord Treaſurer, reſigned his Staff; and that Office was committed to five Commiſſioners, *viz.* The Lord Keeper, Lord Privy Seal, Lord Chief Juſtice of the Common-Pleas, Lord *Newburgh*, and Secretary *Vane*.

Thurſday, May 20.

The Houſe of Commons fell upon the *Iriſh* Affairs, and a Bill was read concerning Sir *G. Ratcliff*, and Mr. *Sammon*.

High-Commiſſion.

The Proceedings of the High-Commiſſion Court, againſt Mr. *Walker* a Miniſter in *London*, and his cloſe Impriſonment, being taken into Conſideration, it was voted, That the ſaid Proceedings and Impriſonment were Illegal: That he ought to have Reparations for his Sufferings, and be reſtored to his Benefice.

Then they fell upon the Buſineſs of *London-Derry* and *Colerain*, upon which there was a Committee appointed: Alſo another Committee, upon the Complaints againſt Doctor *Stern*, Maſter of *Jeſus-Colledge* in *Cambridge*.

May 21. Oath of Canonical Obedience laid aſide.

Ordered, That no Miniſter be forced hereafter to take any Oath at his Induction, but ſuch as ſhall be warranted by Scripture.

A Meſſage ſent to the Lords, touching the Disbanding of the Armies, if not totally, yet part and part at a time: Upon which, Mr. Treaſurer made report, That there was in Arrear due to the *Scots* 120000 *l.* beſides the 300000 *l.* And it was voted by both Houſes, That both Armies ſhould be ſatisfied and disbanded next Month.

May 22. Mr. *Rolls*'s Caſe.

The Bill concerning Epiſcopacy ſent up to the Lords.

The Caſe of Mr. *Rolls* a Merchant was reported, complaining of the Barons of the Exchequer for denying of a Replevin for his Goods which were ſeized upon, for not paying of Tonnage and Poundage, it not being granted by Act of Parliament.

The Houſe proceeded upon the *Scots* Demands, and particularly upon that Article, That all Incendiaries of War betwixt the Kingdoms, being of *Scotland*, ſhould be Tried in *Scotland*; and of *England*, in *England*; and ſuch as fled into either Country, to be returned: On debate of which, the Houſe was divided; and upon the Queſtion, it was carried by Ten, in the Affirmative.

Munday, the 24th. Captives in *Algier*.

Upon Mr. *King*'s report from the Committee for the *Captives of Algier*, it was reſolved, That his Majeſty be moved to ſend ſome fit Perſon, at the Charge of the Merchants, to the Grand Seignior, to demand the *Engliſh* Captives in *Algier*, and other the *Turks* Dominions; and that in ſome convenient time after ſuch Perſon's departure out of *England*, a Fleet of Twenty Ships and Pinnaces be ſent to *Algier*, to aſſail the Town and their Ships, if the Captives be not delivered upon demand.

Book of Rates to be encreaſed.

Reſolved, That the Opinion of this Houſe is, That the *Book of Rates* being agreed and ſetled, there ſhall be one in the hundred laid upon Trade, over and above the Summ expreſſed in the Book of Rates, to be employed by Commiſſioners to be appointed by the Parliament for this ſpecial Uſe.

Popiſh Recuſants.

Ordered, That the Knights, Citizens, and Burgeſſes in Parliament, do reſpectively give an account with all ſpeed, of the *Names* of ſuch *Popiſh Recuſants*, as are in their ſeveral Counties, Cities, and Boroughs; and that the Clerk of the Peace and Aſſizes may be required to return the Names of all ſuch as are convict Recuſants, into the Exchequer.

Ordered,

16 *Car.* Popiſh Recuſants.

Ordered, That the Committee for the Bill to prevent Dangers that may happen by Popiſh Recuſants, do prepare an Order concerning the ſpeedy diſarming of all Popiſh Recuſants, as well Convict as not Convict, to preſent the ſame to the Lords, to the intent that an Ordinance of Parliament may be made accordingly.

May 25. Sabbath-day.

A Bill read in the Houſe of Commons, That no Barge or Lighterman in *England*, or *Wales*, ſhould load or unload any Goods or Wares on the Sabbath Day.

Cuſtomers.

Upon Debate in the Houſe concerning Cuſtomers, about their paying of Tonnage and Poundage, not granted by Parliament; the Houſe was informed by a Member thereof, That the Cuſtomers are willing to give 100000 *l.* in ſatisfaction: Whereupon the Houſe paſſed this enſuing Vote.

Reſolved, That all Collections of any Sums of Money, by colour or pretence of Subſidies and Impoſts upon any Merchandice whatſoever, not granted by conſent of Parliament, are againſt Law, Liberty, and Property of the Subject; and that all ſuch Perſons as have collected or taken any Summs of Money not granted by conſent in Parliament, are Delinquents.

May 26.

This Day the Houſe again took into Conſideration the ſpeedy raiſing of Moneys upon the Cuſtomers: Upon which the great Farmers, namely Sir *Paul Pindar*, Sir *Abraham Dawes*, Sir *John Worſnam*, and Sir *John Jacob*, delivered a Petition to the Houſe of Commons, wherein they humbly acknowledge their Delinquency, but pleaded ignorance, and proffer'd 150000 *l.* for a Compoſition, to be paid within a Month, in lieu of their parts of the 700000 *l.* deſiring there might be an Act of Oblivion paſs'd upon it.

Vintners not to dreſs Victuals, by a former Decree in the Star-Chamber

Mr. *Glyn* Reports the Caſe of the *Vintners* concerning the Impoſition of 40 *s. per* Tun upon Wines.

That in *December* 1633. a Decree was made in the Star-Chamber to reſtrain *Vintners* from *dreſſing Victuals*.

60000 *l.* given for Licenſe to dreſs, notwithſtanding that Decree.

That in *February* 1634. they preferr'd a Petition to the Council-Board to be relieved of this Decree, and to have Liberty to dreſs Meat; and upon the Loan of 6000 *l.* had Liberty to dreſs Meat till *December* following.

That ſome of them dreſt Meat after that time of Licenſe was expired; and thereupon *Stanley* and *Forſter* were cited into the Star-Chamber; and a Propoſition was made, that if they would pay 40 *s. per* Tun, they ſhould be freed from that Danger.

An Indenture Quadripartite between the King and Vintners.

That on the 11*th* of *June*, 1634. an Indenture Quadripartite was made between the King, and Twenty-eight Vintners named, the *French* and *Spaniſh* Merchants; wherein there were many Covenants expreſly againſt Law, ſuch as a Covenant, allowing them to enter into any Man's Houſe; and they that ſhould refuſe, to be puniſhed at the Council-Board: And whereas the whole 6000 *l.* ſhould have been paid entirely by the Vintners, they deducted in the Payment thereof 8 *s. per* Pound; ſo that the King received 190000, and the Subject paid above 17000 *l.* Upon the whole matter of this Report it was

Reſolves againſt the Patents for Wines.

Reſolved, *Firſt*, That the Patent for the Payment of 40 *s. per* Tun on Wines by the Merchants, is illegal in the Creation, and a Grievance.

Secondly, That the Impoſition of one Penny in a Quart on *French* Wines, and 2 *d.* in a Quart on *Spaniſh* Wines, is a Grievance.

Thirdly, That the Patent of Impoſition of 40 *s. per* Tun, is illegal in the Creation, and a Grievance in the Execution thereof.

Fourthly,

An. 1641.

Fourthly, That Alderman *Abel*, and Mr. *Richard Kilvert*, are the Principal Promoters, both of the Creation and Execution of this illegal Impoſition of 40 *s. per* Tun.

Reſolved, That there ſhall be a Bill prepared, declaring the Offences of Alderman *Abel*, and *Richard Kilvert*, to the end they may be made Exemplary.

Reſolved, That a Proclamation, dated *July* 15. in the Fourteenth Year of the King, prohibiting the Wine-Coopers to buy or ſell Wines, is illegal, and againſt the Liberty of the Subject.

Reſolved, That the Penny impoſed upon a Quart of *French* Wines, and Two pence a Quart upon *Spaniſh* Wines, ought to be no longer paid by the Subject, nor demanded by the Vintner.

Farmers of the Cuſtoms to pay 150000 for their Delinquency.

Reſolved, That 150000*l.* ſhall be impoſed on the Farmers of the Cuſtoms, in ſatisfaction of their Delinquency to the Commonwealth, to be paid at the time expreſs'd in the Petition: and this Houſe doth agree, That an Act of Oblivion ſhall paſs, according to the ſeveral Limitations made in the Report.

Oaths of Allegiance and Supremacy to be tendred to Sir *Kenelm Digby*, &c.

Ordered, That Mr. *Whitaker*, Sir *John Franklyn*, Sir *Gilbert Gerard*, Sir *Arthur Ingram*, and Mr. *Glyn*, ſhall have Power to call before them Sir *Kenelm Digby*, Dr. *Frier*, and Sir *John Winter*, and offer them the Oaths of Allegiance and Supremacy; and if they refuſe them, to proceed againſt them according to Law.

A Report againſt Sir *Jo. Lamb.*

Mr. *Peard* Reports from the Committee for Courts of Juſtice, the Caſe of *William Flower*, who was committed by Sir *John Lamb*, for having in his Cuſtody a Book, Intituled *News from* Ipſwich, and then committed to the Counter by the ſaid Sir *John Lamb*, and continued there Nine Months.

Reſolved, That the Impriſonment of *William Flower* was illegal and unjuſt, and principally in Sir *John Lamb*.

Reſolved, That the ſaid *William Flower* ought to have Reparation againſt Sir *John Lamb*, for the Damages ſuſtained, *&c.* and that a Bond given by him for his Appearance, ought to be delivered up.

May 27. Mr. *Tailor* a Member expell'd the Houſe.

One Mr. *Tailor*, a Barriſter and Burgeſs for *Old Windſor*, was brought upon his Knees in the Houſe of Commons, for ſpeaking of ſome Words in diſparagement of the whole Houſe, about the Earl of *Strafford's* Death, ſaying, *They had committed Murther with the Sword of Juſtice; and that he would not for a World have ſo much Blood lie on his Conſcience as did on theirs for that Sentence.* Which Words being proved againſt him by the Mayor of *Windſor* (to whom he ſpake it) and ſome others, he was expell'd the Houſe, and voted uncapable of ever being Parliament man, committed to the Tower during Pleaſure, to be carried down to *Windſor*, there to make Recantation for thoſe Words, and to return back to the Houſe of Commons to receive further Sentence; and it was ordered that a Writ ſhould preſently iſſue out for a new Election in his Room.

Private Bills.

A Meſſage from the Lords for a Conference upon a Commiſſion from his Majeſty, to the Lord Keeper, and ſome others, for paſſing of Three Private Bills. 1. For the naturalizing of *Dorothy Spencer*: 2. For the Marqueſs of *Wincheſter* to grant Leaſes for Twenty one Years, or Three Lives. 3. For enabling the Earl of *Vinchelſea*, to ſell Lands to pay his Debts; and to ſettle other Lands on his younger Children.

Biſhops Votes in Parliament.

The Bill ſent up to the Lords, for depriving Biſhops of their Votes in Parliament, meeting there with Obſtructions, there had a new Bill been brought into the Houſe of Commons, for the taking away of Archbiſhops, Biſhops, Deans, Archdeacons, *&c.* and their Government; which now

was

was read in the Houſe; and a great Debate aroſe, Whether it ſhould be read again, or laid aſide? And during this Debate, a Meſſage came from the Lords, ſignifying that they would be ready to concur with the Commons as to the former Bill, except only taking away their Voices in Parliament. But this Meſſage took little effect with the Commons; and ſo the Queſtion being put for reading the Bill a ſecond time, was carried in the Affirmative. *16 Car.*

An Order for a Writ to iſſue for a new Election of a Citizen for *London*, in Mr. *Cradock*'s place, lately deceas'd. *May* 28.

A Bill againſt Pluralities and Non-Reſidents read. *May* 29.

The Houſe was buſie upon the Bill of Subſidies. *Mond. May* 31.

A Bill read for quite taking away the Juriſdiction of the Star-Chamber. Star-Chamber

A Charge of High-Treaſon, and other High Crimes and Miſdemeanours brought in againſt Judge *Berkley*. Upon Information that Alderman *Abel*, and *Mr. Kilvert*, had conveyed away their Plate and Goods; an order was made for their ſtanding committed to the Tower; but upon their humble Petition ſuperſeded, till a Report ſhould be made of their Charge. Judge *Berkley*.

In the Afternoon the Houſe appointed divers Committees to meet; one touching Recuſants; at which the Oath of Allegiance and Supremacy was adminiſtred to divers Papiſts, who took them both. But for refuſing the laſt, one Sir *Robert Hodgſon*, a *Northumberland* Knight, was ſent to *Newgate*. Papiſts.

About the latter end of this Month of *May* 41. the King did declare *Robert* Earl of *Leiceſter*, Lord Lieutenant-General of *Ireland*, Heir to Sir *Philip Sidney* his Uncle, as well as to Sir *Henry Sidney* his Grandfather; who long continued chief Governour of *Ireland* in the Reign of Queen *Elizabeth*. But before this Noble Perſon could go over, that Kingdom was in a Flame by the horrid Rebellion, which broke forth the 23*d* of *October* following. Earl of *Leiceſter* to be Lieutenant of *Ireland*.

The Houſe debated what Committees ſhould ſit till the Adjournment, and appointed *Twenty* for the moſt material Buſineſſes to be continued, *viz.* The Committee for numbring of Papiſts, and diſarming them; The Committee of *Twenty four*, for the Remonſtrance; The Committee for Sir *Peter Riccard*; The Committee for the Eſtate of the King's Army; the Committee for *James*'s Fort, in ſtabbing of Juſtice *Heywood*, &c. *Tueſd. June* 1. What Committees to ſit.

Sir *John Strangeways* moved in the behalf of himſelf, and the Fifty-nine that voted againſt the Bill of Attainder of the Earl of *Strafford*, That there might be ſome Order taken, for that they went in fear of their Lives, great Abuſes being lately offered them; and this he the rather moved, becauſe his Name was inſerted and poſted in the Liſt of the *Straffordians*, though when that matter was in Agitation he was abſent, and at his Houſe in *Dorſetſhire*. *Straffordians* in danger.

There was a Debate touching letting the Cuſtoms to new Farmers, and making a new Book of Rates.

Captain *Ven*, choſen a Member for *London*, in the room of Mr. *Cradock*, lately deceas'd, this day took his place in the Houſe.

A Petition delivered to the Commons by divers Citizens of *London*, againſt the Abuſes of Parliament-Protections, alledging that if there were not ſome ſpeedy Order for the Calling in or regulating the ſame, they would occaſion the undoing of many Families; whereupon the Petition was referred to a Committee for that purpoſe. *June* 2. Protections.

It

An. 1641.

Archbiſhop of *Canterbury.*

It being informed, That the Archbiſhop of *Canterbury* did uſe his Epiſcopal Power in ordaining Miniſters, *&c.* in the Tower, it was moved, that there might be an Order to reſtrain the ſame. But it was generally thought more fit, for prevention, to haſten the Proceedings for his Tryal.

Mr. *Tailor* of *Windſor*, lately committed, petitioned to be reſtored upon his Submiſſion, but was refuſed.

Sir *John Harvey*, and Sir *Nicholas Criſpe* preferred a Petition on behalf of themſelves and the reſt of the Cuſtomers for a longer time to pay for their Fines; but it would not be granted.

Tonnage and Poundage.

A Bill voted for granting his Majeſty Tonnage and Poundage.

Plate to be melted.

The Houſe falling into Debate about raiſing of Moneys for the Armies; it was inſiſted upon, that no leſs than Eight hundred thouſand Pounds would ſuffice for that purpoſe: Whereupon it was moved, in reſpect Moneys could not be procured ſo ſuddenly as is required, there might be order taken for the melting of a Proportion of Plate, and turning it into Coyn; which Motion was well liked, and referred to a Committee.

Papiſts to be diſarm'd.

A Bill read for the diſarming of Papiſts, by the Juſtices of Peace in their ſeveral Counties.

Dr. *Cadman.*

In the Afternoon Dr. *Cadman* took the Oath of Allegiance, but deſired time to conſider the taking of the Oath of Supremacy, for that he had thought the Pope to be Head of the Church, and made a large Speech to that purpoſe. And one *Sandford* was committed for inticing a young Gentlewoman to go beyond Sea to be a Nun: and Mr. *Beeſton*, and *Mr. Allen* committed for refuſing the Oaths of Allegiance and Supremacy.

Papiſts committed.

June 3. Barge-men.

The Bill to reſtrain Barge-men, Lighter-men, and others, from labouring and working on the Lords day, read a ſecond time.

Going in Proceſſion.

An Order for regulating the manner of going about the Perambulation, or Circuits of Pariſhes, commonly called *Going in Proceſſion*, requiring that there ſhall not be any Service read, or Pſalm ſung, as in ſome places had been uſed.

The Lord's Conference for Biſhops to have Votes in Parliament.

The Lords at a Conference gave Reaſons why they do not judge it unlawful for the Biſhops to have Votes in Parliament. And for their Right to Vote there, they conceive by the Common and Statute Law, and ancient Practice, there's no queſtion of it. And as for any Inconveniencies, they do not yet underſtand any ſuch as might induce them to deprive the Biſhops, and their Succeſſors of their Right, and for removing them from the Star-Chamber, Council-Table, or any Office in Secular Affairs, their Lordſhips fully concur with the Commons.

Printing.

Ordered, That the Committee for Printing, do conſider of a Book, intuled *The Order and Courſe of paſſing of Bills.*

Garriſons of *Berwick* and *Carliſle.*

A Meſſage from the King to the Lords, That his Majeſty is deſirous, that all things between his Two Kingdoms of *England* and *Scotland*, be reduced into the ſame State they were in before the beginning of the late Troubles; and therefore he doth give his Aſſent to the Advice of his Two Houſes of Parliament; That the Garriſons of *Berwick* and *Carliſle*, upon the diſbanding of the *Scottiſh* Army now in *England*, and of all ſuch Forces as are gathered together in *Scotland*, be likewiſe preſently removed: and that the Fortifications of *Berwick* and *Carliſle* be alſo reduced to the ſame Condition they were in before the laſt Troubles; ſo that all Fortifications in *Scotland* be likewiſe put into the ſame Condition they were in before the ſaid Troubles.

A Bill againſt the Convocation; and that the late Canons be declared void and unlawful; and thoſe that made them to be puniſh'd as in caſe of *Præmunire*. *16 Car.* Convocation.

Mr. *Davenant* was again brought before the Committee of both Houſes, and Examined. *Davenant.*

The Houſe fell into a Debate of the Fee claimed by the Muſter-Maſters, and *June* 4. Sir *Jo. Corbet's* Commitment illegal.

Reſolved, That the Warrant from the Council-Board, by which Sir *John Corbet* was committed (for ſpeaking againſt the ſaid Fee) was an illegal Warrant, and that he ought to have Reparation for his unjuſt Vexation and Impriſonment; and that the ſaid Council make the ſame: And the Houſe thinks fit, that the Attorney-General take the Information in the Star-Chamber, againſt the ſaid Sir *John*, off the File; and that he and others of the Privy-Council, whoſe Hands are at the Warrant for the ſaid Sir *John Corbet's* Commitment, ought to joyn in the making of him Reparation, *viz.* Archbiſhop of *Canterbury*, Lord *Cottington*, &c.

Reſolved, That the Impoſition of 30 *l. per Annum*, levyed upon the Subjects of the County of *Salop* for the Muſter-Maſters Fee, by the Earl of *Bridgewater*, Lord Lieutenant of that County, is an Illegal Charge, and againſt the *Petition of Right*; and that it is an high Preſumption for a Subject to impoſe any Tax upon the Subject; and the taking of it is an Extortion, and againſt the Right of the Subject. Muſter-Maſter's Fee illegal.

In purſuance of the late Motion for the Coyning of Plate, divers Goldſmiths were ſent for to attend that Committee, to reſolve what ſort of Plate might be melted with the leaſt Loſs. Alſo the Minters attended to certifie what Expedition they could make in the Coyning of it. And agreed, Melting of Plate.

That for the relieving the preſent Neceſſity of Money, a Proportion of Plate ſhould be melted for Coyn; and that the ſame ſhall be Trencher-Plate, and Diſh-Plate: And that all ſuch, from whom any ſuch Plate ſhall be taken, ſhall have Security for it, and be repaid, either in Plate or Moneys.

Heads for a Conference with the Lords Reported, That the Biſhops ought not to have Votes in Parliament: Reaſons why Biſhops ought not to have Votes in Parliament.

1. Becauſe it is a great hindrance to their Miniſterial Function.

2. Becauſe they do vow, and undertake at their Ordination, when they enter into Holy Orders, That they will give themſelves wholly to that Vocation.

3. Becauſe Councils and Canons in ſeveral Ages, do forbid them to meddle in Secular Affairs.

4. Becauſe the Twenty four Biſhops have dependance on the Two Archbiſhops, and take their Oath of Canonical Obedience unto them.

5. Becauſe they are but for their Lives, and therefore are not fit to have Legiſlative Power over the Honours, Inheritance, Perſons, and Liberties of others.

6. Becauſe of Biſhops Dependency and Expectancy of Tranſlation to places of greater Profit.

7. That the ſeveral Biſhops have of late much encroached upon the Conſciences and Liberties of the Subject; and they, and their Succeſſors will be much incouraged ſtill to encroach; and the Subject will be much diſcouraged from complaining againſt ſuch Encroachment, if Twenty ſix of that Order be to be Judges upon that Complaint. The ſame Reaſon extends to their Legiſlative Power in any Bill to paſs for the regulation of that Power, upon any emergent Inconveniency by it.

An. 1641.

8. Becauſe the whole number of them are intereſſed to maintain the Juriſdiction of Biſhops; which hath been found ſo grievous to the Three Kingdoms, that *Scotland* hath utterly aboliſhed it.

9. Becauſe the Biſhops, being Lords of Parliament, it ſettleth too great a diſtance between them, and the reſt of the Brethren in the Miniſtry; which occaſioneth Pride in them, Diſcontent in others, and Diſquiet in the Church. And as to their having Votes a long time; the Anſwer is, if it be inconvenient, Time and Uſage, are not to be conſidered with Law-makers: ſome Abbots voted as anciently in Parliament as Biſhops, yet are taken away.

To theſe Reaſons there was ſoon after an Anſwer Printed, called *An Abſtract*, &c. (ſaid to be done by the Archbiſhop of *York*) and to that preſently came forth a Reply; but theſe being but the Works of particular Men, we refer the Reader to the Prints.

Saturday, June 5.

Upon a Complaint of divers Pamphlets lately printed, and of ſeveral Speeches falſly and defectively publiſh'd; it is

Books to be Licenſed.

Ordered, That the Company of Stationers take care for the future to prevent the printing of ſuch Pamphlets and Speeches, and that no Books ſhall be printed without Licenſe.

Warrants granted out againſt ſeveral that were complained of, to have got ſurreptitious Protections.

Preachers not in Orders, ſummoned.

Ordered, That one *Robinſon*, a Servant and Clerk in the Cuſtom-Houſe, who preached for Mr. *Crabtree* in his Pulpit; *John Spencer* being but an Horſeman, *Adam Banks* late a Seller of Stockings, and one *Green*, who preached privately in the Houſe of one Mr. *Green*, in *Crutchet-Friars*, ſhall be ſummoned to attend the Houſe on *Munday* in the Afternoon, at Two of the Clock.

The Houſe reſolved into a Committee, about the ſpeedy raiſing of 40000 *l.* for the Army.

Munday, June 7.

Reſolved, That the Ceſſation of Arms continue upon the ſame Terms as formerly, for fourteen Days longer.

Ceſſation.

Mr. *Crew* further reports the Articles of the Treaty between us and the *Scots*.

The Cuſtomers were warned to bring in ſome of their Fines, in reſpect of the preſent Neceſſities of the Publick. After which, the Houſe proceeded with the Bill for *Tonnage* and *Poundage*; and divers Officers of the Cuſtom-Houſe, as the Surveyor and others, were appointed to attend next Day concerning the ſame.

Protections annull'd, &c. Committees.

In the Afternoon they appointed ſeveral Committees to ſit; as a Committee for Protections; at which it was concluded, That divers Protections ſhould be annull'd, ſome being ſurreptitiouſly obtained, others procured by Perſons of Ability, on purpoſe to defeat their Creditors. Alſo a Committee concerning the Archbiſhop of *Canterbury*; another concerning Soap; another concerning the two Parts of Recuſants Lands; another touching Leather, and one concerning Printing, where two Printers were committed for Offences in that kind.

The Lords vote that the Biſhops ſhall continue their Votes in Parliament.

The Lords Houſe this Day re-aſſuming the Debate of Epiſcopacy, voted for the Biſhops retaining their Votes in Parliament.

June 8.

Sir *Paul Pindar* ordered to attend the Houſe on the morrow.

Diſorder in the Houſe about bringing in Candles.

In the Afternoon the Houſe being reſolved into a Committee concerning the late Plot for bringing up the Northern Army, and ſitting ſomewhat late, there happened ſome Words to be ſpoken, as if Col. *Goring* was *a perjured Man for diſcovering the Plot to the Houſe, having taken an Oath of Secreſie.* In debate whereof being very earneſt, Candles were called for, but

but the major part oppoſed it; yet Candles being brought by a Miſtake, and commanded out again, Sir *Will. Widdrington*, and Mr. *Herbert Price*, irregularly took the Candles, and brought them in, contrary to the general ſence of the Houſe; whereupon there was ſome ſtir in the Houſe about it, and the Committee roſe. *16 Car.*

The Diſorder laſt Night in the Houſe was complained of, and Mr. *Hollis* made a Speech in aggravation of the Gentlemen's Offence that occaſioned it; ſhewing, That there ought to be no Heats nor Diſtempers within the Houſe, being a Rule of Order; and if there be *within*, well there might be *without*; which might have tended to great miſchief, if Parties ſhould have ſide thereupon. After a full debate, Sir *Will. Widdrington*, and Mr. *Herbert Price* (though they ſubmitted themſelves to the Houſe) were committed to the *Tower*. *June 9.* *Sir W. Widdrington* and *Herbert Price*, ſent to the *Tower*.

A Bill for *Regulating the Council-Table*, and taking away the Court commonly called the *Star-Chamber*, and the *High-Commiſſion Court*, was paſſed, and ſent up to the Lords. Council-Table and Star-Chamber.

Then the Houſe falling into debate of the Buſineſs of bringing up the Army againſt the Parliament; it was

Reſolved, That Col. *Goring* in this Depoſition of his, concerning this diſcovery, hath done nothing contrary to Juſtice or Honour, but hath therein deſerved very well of the Commonwealth and this Houſe. Col. *Goring* juſtified by the Houſe.

Alſo there was a Bill read for the melting of a quantity of Plate to be turned into Coin, That every one that hath 20 *l.* worth of Plate, ſhall ſend half of it to be coined, and in the mean time to have Security and Intereſt for the forbearance; ſuch as live within ten Miles, to ſend up their Plate within four Days; within twenty Miles, in fourteen Days; and thoſe that live within ſixty Miles, within twenty Days. But after ſome debate, it was referred to a Committee; and the Warden of the Mint, and other Officers, with the Company of Goldſmiths, were ordered to attend that Committee on *Friday* following. Melting of Plate.

In the Afternoon there was a Committee appointed for the Queen's Joynture, another for the Treaſury, and a third for Recuſants Lands.

Reſolved, That 100000 *l.* promiſed to be paid by the Farmers of the Cuſtoms, and the 120000 *l.* promiſed to be lent by the City, and 150000 *l.* promiſed to be lent by the Merchant-Adventurers, ſhall be diſpoſed of for the Relief of the Northern Counties, and of diſbanding the Armies. *June 10.* Moneys for diſbanding the Armies.

Ordered, That Dr. *Baſtwick* be reſtored to his Place in the College of Phyſicians, and to the liberty of his Practice as formerly. *June 11.* Dr. *Baſtwick* reſtored.

The Lord *Digby* was this day called by Writ to ſit in the Lords Houſe. Lord *Digby*.

The Buſineſs of Epiſcopacy coming again into debate, laſted from Seven a Clock in the Morning, 'till Night; and it was

Reſolved, That the Preamble to the Bill concerning the ſame, ſhall be in theſe Words: Preamble to the Bill againſt Epiſcopacy.

'Whereas the Government of the Church of *England*, by Archbiſhops 'and Biſhops, their Chancellors and Commiſſaries, Deans, Archdeacons, 'and other Eccleſiaſtical Officers, hath been found by long Experience, to 'be a great impediment to the perfect Reformation and Growth of Re-'ligion, and very prejudicial to the State and Government of this 'Kingdom

In this long Debate, the Authority of that very ancient Parchment Manuſcript Copy of the Bible, remaining in his Majeſty's Library at St. *James's*, The Poſtſcripts of the Epiſtles to *Timothy* and *Titus*, queſtioned.

An. 1641

and ſent to his Majeſty by *Cyrillus* Patriarch of *Alexandria*, being all written in great capital Greek Letters, was vouched and aſſerted by Sir *Simon d'Ewes* (a great Antiquary) wherein the Poſtſcripts to the Epiſtles to *Timothy* and *Titus*, are only thus: *The firſt, to* Timothy, *written from* Laodicea: *The ſecond, to* Timothy, *written from* Laodicea: *To* Titus, *written from* Nicopolis. Whence he inferred, That the ſtiling of *Timothy* to be the firſt Biſhop of *Epheſus*, and *Titus* the firſt Biſhop of *Crete*, were the ſpurious Additions of ſome Eaſtern Biſhop or Monk, at leaſt five hundred years after Chriſt.

June 12. A& againſt Ship-Money.

Ordered, That a Bill be prepared for declaring unlawful and void the late Proceedings touching *Ship-Money*, and for the vacating all Records and Proceſs touching the ſame.

A& againſt Knighthood.

A Bill for preventing vexatious Proceedings, touching the Order of Knighthood, read.

Hull Regiment, and four more to be disbanded.

That the Regiment at *Hull*, under the Command of Sir *Tho. Glemham*, be firſt disbanded.

That the Regiment of Col. *Fielding*, Col. *Vavaſor*, Lord Marquiſs *Hamilton*, and Col. *Wentworth*, ſhall be next disbanded.

Mr. *Piercy* his Letter to the Earl of *Northumberland*.

The Houſe ſending to the Earl of *Northumberland*, to know whether he had received a Letter (being the Letter before receited) from his Brother Mr. *Hen. Piercy*, he ſaid he had received one of his own Hand-writing, in which there is ſome relation concerning the diſcovery of the late Plot, but withal he writes of private Buſineſs between him and his Brother; but if the Houſe will command a Copy of ſo much as concerns the Plot, he is willing to cauſe the ſame to be written out of the Letter it ſelf, in the preſence of any Members of this Houſe; and for the preſent, he ſaith, That his Brother acknowledgeth the taking of the Oath of Secreſie with others: That there was a Conſultation of other Deſigns, by other Perſons, which he was not call'd unto: That the Company of them who had tied themſelves, by that Oath, were reſolved to aſſiſt the King in ſome Particulars, if it ſhould be denied by Parliament, *viz.* Firſt, To maintain Biſhops in their Rights and Functions: The *Iriſh* Army not to be disbanded, 'till the *Scotch* Army were: To keep up the King's Revenue.

A Letter from ſome Officers of the Army, to Mr. *Darly*, *June* 14. *Wilmot*, *Aſhburnham*, and *Pollard*, examined about the Plot, and committed.

A Letter from divers Officers of the Army was read, and likewiſe a Copy of a Letter, written formerly to Mr. *Hen. Darly*; which being taken into Conſideration, Commiſſary *Wilmot*, Captain *Aſhburnham*, and Captain *Pollard*, were examined in the Houſe one after another, but one being preſent at a time: Whereupon it was Reſolved, That they ſhould all three be committed Priſoners, upon ſuſpicion of *High-Treaſon*, *viz.* Mr. *Wilmot* to the *Tower*, Mr. *Aſhburnham* to the *King's Bench*, and Mr. *Pollard* to the *Gate-houſe*. And further ordered, That Sir *John Berkley*, and *Dan. O Neal*, be ſent for as Delinquents, upon ſuſpicion of *High-Treaſon*.

Earl of *Strafford*'s Children reſtored in Blood.

A Bill for reſtoring in Blood and Honour, Sir *Will. Wentworth* Knight, and the reſt of the Children of the late Earl of *Strafford*, and for the ſetling of the Lands and Tenements of the ſaid late Earl, upon his Heirs, *&c.* was read.

Tumult at St. *Saviour Southwark*.

A Complaint was this Day exhibited to the Houſe of Lords, by the Miniſter and ſeveral Inhabitants of St. *Saviour Southwark*, againſt ſome unruly People, who not only refuſed to receive the Sacrament kneeling, but abuſed the Miniſter in the Celebration thereof; and came a day or two after, and violently pull'd down the Rails which were placed about the Communion-Table, having no Authority ſo to do.

Reſolved,

Reſolved, That all Deans, Deans and Chapters, Archdeacons, Prebendaries, Chanters, Canons, and Petty-Canons, and their Officers, ſhall be utterly aboliſhed and taken away out of the Church.

16 *Car.* Deans and Chapters to be aboliſhed. *June* 15.

That all the Lands taken by this Bill, from Deans and Chapters, ſhall be employed to the advancement of Learning and Piety, proviſion being had and made that his Majeſty be no loſer in his Rents, Firſt Fruits, and other Duties; and that a competent maintenance ſhall be made to the ſeveral Perſons concerned, if ſuch Perſons appear not peccant and Delinquents to this Houſe.

Whilſt this matter was in debate, at the Committee of the whole Houſe, the following Speech was made upon that occaſion, by Mr. *Will. Thomas.*

Mr. Thomas *his Speech, about* Deans, *&c.* June 15.

Mr. *Hide*;

I Have heretofore delivered the Reaſons that induced me to yield my ſeveral *Votes*, touching the Corruption and Unſoundneſs of the preſent *Epiſcopacy* and *Church-Government*, ſo for their Unlawfulneſs of their intermedling in ſecular Affairs, and uſing Civil Power, as alſo the harm and noxiouſneſs of their ſitting as Members in the Lords Houſe, and Judges in that moſt Honourable and High Court: Now I crave leave to do the like, in ſhewing the Reaſons of my Vote concerning *Deans* and their Office: I ſay, that my Opinion then was, and now is, That as the Office is *unneceſſary*, themſelves *uſeleſs*, ſo the ſubſtance of the one, and continuance of the other *needleſs*; nay, rather, as I will declare, *moſt hurtful*; therefore may be eaſily ſpared, nay rather ought to be aboliſhed. My Reaſons are theſe: That the Office of Deans doth neither tend or conduce (as ſome have alledged) to the Honour of God, the Propagation of Piety, the Advancement of Learning, or Benefit of the Commonweal; but *è contra*, that they occaſion the Diſhonour and Diſſervice of God, the Hindrance, if not the Deſtruction of Piety, the Suppreſſion and Diſcouragement of Learning and learned Men, and the Detriment and Prejudice of Church and Commonweal. This, I conceive, I ſhall make moſt apparent, if Time and your Patience will permit; but firſt I humbly crave leave (and I think it will not be impertinent) to declare what *Deans* were originally, in their firſt Birth; ſecondly, what in their Increaſe and further Growth; and, laſtly, their preſent Condition, being at their full, and, as I think, their final period.

As to their *Original*, it is not to be denied, but themſelves and Office are of great Antiquity, St. *Auguſtine* declaring both; but I do not ſay that it is an ancient Office in the Church; but what Officers Deans then were, be pleaſed to hear from St. *Auguſtine*'s own delivery, in his Book *De moribus Eccleſiæ Catholicæ* (if that Book, as alſo that of *Monachorum* be his, which *Eraſmus* and others have doubted): *The Monks* (ſaith he) *for their more Retiredneſs and better Contemplation*, appointed Officers which they called *Deans*; the *Office* of them, and *why* they were ſo call, he delivereth in theſe Words, as near as I remember: *Opus autem tradunt illis quos* Decanos *vocant* (*eo quod ſunt* Denis præpoſiti), *ut neminem illorum cura ſui Corporis tangat, neque in Cibo, neque in Veſtimento, neque ſi quid aliud vel quotidianâ neceſſitate, vel mutatâ* (*ut aſſolet*) *Valetudine: hi autem* Decani *magna ſolicitudine, omnia diſponentes & præſto facientes quicquid illa vita propter imbecillitatem corporis poſtulet.*

Here we ſee the Office of *Deans* in St. *Auguſtine*'s time; Antiquity ſufficient, but not Antiquity for being Officers of the Church; therefore they do not rightly plead Antiquity, as to the point now controverted, the Queſtion being whether the Office as now it is exerciſed, be the ſame that it was then. Sure they ſhall find it not only different, but in a manner quite contrary; they are deceived that urge it; but they are to know, that this Judicious Houſe is able to diſcern and diſtinguiſh a Counterfeit face of Antiquity from the true; and in vain do they, with the *Gibeonites*, labour to deceive us by old Sacks, old Shooes, old Garments, old Boots, and old Bread that is dry and mouldy: Therefore to no purpoſe, and cauſeleſs do they charge us to affect *Novelty*, and to offer to take away

An. 1641. away Church-Governours and Government. What theſe Men, I mean *Deans*, were originally, we ſee, how they came to be Presbyters, and of the Miniſters, and for what cauſe, I ſhall hereafter declare: But we may not think this charging of us as Innovators ſtrange, whenas Chriſt himſelf had his Doctrine cenſured as new; *What Doctrine is this?* ſaid the Jews, *Mark* 1. 17. We are not then to expect we ſhall eſcape the like Cenſure of Innovating.

The Servant is not above his Lord, nor the Diſciple above his Maſter; and indeed ſo St. *Paul* found it; for the *Grecians* made the ſame demand to him: May we (ſay they) know what this *new Doctrine* is, whereof thou ſpeakeſt? *Acts* 17. But let us *liberare animas noſtras, conſcientiæ ſatisfacimus, nihil in famam laboremus, conſentiamus in eo quod convenit, non in eo quod traditum.*

But to return where I left. Granting the Name and Office, we find them to be only Caterers or Stewards to provide Food and Rayment for the Monks; whoſe Garments as they were not coſtly, ſo neither was their Fare Dainty, being but Bread and Water, as witneſſeth St. *Jerome*, *Athanaſius*, *Theodoret*, and others; and *Surius* in the Life of *Pachonius* teſtifieth the ſame. To have the like Employment now, I neither deny nor envy them.

Well; now let us ſee how they increaſed in Authority, and came to be accounted Officers of great Dignity. Then thus: When for the auſterity of their Lives, and Opinion of their Sanctity, Princes and others did beſtow Lands and Revenues upon the Monks, then their *Præpoſiti* the Deans did partake of their Honours and Poſſeſſions, and then began the Corruption and poiſoning of them: *Tunc venenum infunditur in Decanos, Religio peperit divitias, & Filia devoravit Matrem.* Anſwerable whereto is that of St. *Hierom, in vitas Patrum*, ſince Holy Church increaſed in Poſſeſſions, it decreaſed in Vertues; the like hath St. *Bernard*, and many others.

Thus we ſee that the Spring that was clear in the barren Mountains, deſcending down to the richer Valleys, becomes thick and muddy, and at laſt is ſwallowed by the briniſh Ocean, *Salſum per dulces imbibet Æquor aquas.* But to deliver it in the Words of an Honourable Author: *Time*, ſaith he, *is moſt truly compared to a Stream, that conveyeth down freſh and pure Water into the ſalt Sea of Corruption, which enviroueth all humane Actions; and therefore if a Man ſhall not by his Induſtry, Vertue, and Policy, as it were with the Oar, row againſt the Stream and Inclination of Time, all Inſtitutions and Ordinances, be they never ſo pure, will corrupt and degenerate*; which we ſhall ſee verified in Deans, and their Officers. For now being endowed with great Poſſeſſions, it was ordained they ſhould be choſen out of the Presbytery to that Place, *Ne ſit Decanus niſi Presbyter*, as I find in St. *Bernard.* Well; Did they reſt in this State and Condition? No, they muſt be Civil Magiſtrates, Chancellors, or Keepers of the Seal, Lord Treaſurers, Privy-Counſellors; Or what have they not of Lay-Offices, Dignities, and Titles? I will not trouble you with enumeration of particular Deans, I will only cite one, though if the time permitted, I might cite twenty one; and that is a Dean of *Pauls*, about *An.* 1197. who was made a Lord Treaſurer, who carrying that Office, quickly hoarded up a great Treaſure; at laſt falling into a deadly Diſeaſe paſt recovery, he was exhorted by the Biſhops and great Men, to receive the Sacrament of Chriſt's Body and Blood, which he trembling at, refuſed to do; whereupon the King admoniſhed and commanded him to do it; he promiſed him thereupon to do it the next day. Being admoniſhed to make his Will, he commanded all to void the Room but one Scribe; who beginning to write his Will in the accuſtomed Forms, *In the Name of the Father, of the Son*, &c. the Dean perceiving it, commanded him in a rage to blot it out, and theſe words only to be written: *I bequeath all my Goods to my Lord the King, my Body to the Grave, and my Soul to the Devils*; which being uttered, he gave up the Ghoſt: The King hereupon commanded his Carkaſs to be carried into a Cart, and drowned in the River. Good God, what a change is this! from being humble Servants to poor Monks, to become proud Prelates, Peers to Princes! *Quantum mutati ab illis? Nunc Cigni qui modo Corvi.* They now forſake their *Templa Paupertatis & Templa Pietatis, tanquam noxia numina*, and only allow and make choice of *Templa Honoris & Templa Fortunæ.* They then took care for the poor Monaſtery, but now poorly care for the Miniſtry: And to ſpeak no leſs truly than plainly, they do either juſt nothing, or what is worſe, nothing that is juſt. But not to trace them further, let us examine what their preſent Office is, which we find ſo honoured and dignified.

In

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In the Conſtitutions of *Hen.* 8. and *Edw.* 6. thus I read: *Decani quoque cum in Clero amplam dignitatem & locum honoratum in Eccleſiâ ſortiantur, Presbyteri ſunto, viri graves, docti, & magna prudentia inſignes, Cathedrales Eccleſias juxta illarum conſtitutiones regant, Collegio tam Canonicorum quam Clericorum Eccleſiæ majoris præſint, neque diſciplinam labi ſinant, provideantque ſummâ diligentiâ ut in ſua Eccleſia ſacri Ritus ordine, ac juſta ratione peragantur, utque omnia ordine & convenienti gravitate ad fratrum utilitatem agantur: ut Archidiaconi* foris, *ſic illi* domi, *hoc eſt in Eccleſia Cathedrali, & eorum Canonici & Clerici Epiſcopo ſint adjumento quaſi duo ejus membra utiliſſima & neceſſaria. Quare nec Decani abeſſe debent à ſua Eccleſia, ſine maxima & urgentiſſima cauſa ab Epiſcopo approbanda.* I have declared the whole Chapter entire, becauſe I would deal clearly.

Afterwards, in the Ninth Chapter, I read preaching to be part of their Duty: *Concionem habeat Decanus in Eccleſia Cathedrali ſingulis diebus Dominicis.*

Thus their Office is declared to be theſe Particulars following:

Firſt, To Rule and Order the Church, and to look to the Repair, and for the Decoration thereof, as is alſo elſewhere enjoyned.

Secondly, To preſerve Diſcipline and Holy Rites.

Thirdly, To be Adjuments or Aſſiſtants to the Biſhops in Cathedrals, as be the Archdeacons abroad; part of which aſſiſtance is, as ſeemeth, to preach for them; but the Biſhops will excuſe them that Service as too painful, nay forbid it as too dangerous. But though they will not buſie themſelves in preaching, yet have they leiſure to be inventive and operative in poor beggarly Toys and Trifles, which neither bring Honour to God, nor Good to the Church and People. Their preaching and godly Life did anciently win the People's Hearts to love God, and them as his Miniſters, whom they received as Angels of God, Ambaſſadors from Heaven. Humility, Piety, and Induſtry laid the Foundation of all thoſe magnificent Structures, Dignities, Titles, Places, Revenues, and Priviledges, wherewith the Church-men were anciently endowed. What hath or is likely to waſte and demoliſh them, is eaſie to conjecture; King *James* hath delivered it in theſe words: 'The natural Sickneſs that hath ever troubled, and been the 'decay of all Churches ſince the beginning of the World, hath been Pride, Am-'bition, and Avarice; and theſe Infirmities wrought the overthrow of the Po-'piſh Church, in this Country and divers others; but the Reformation of Re-'ligion in *Scotland*, was extraordinarily wrought by God, though many things 'were inordinately done, by ſuch as blindly were doing the Work of God. Thus far that Wiſe and Religious Prince.

But leſt I ſhould forget a principal part of the Office, *Church-Muſick*, it ſhall have here the firſt place; the rather, for that, as I read, the firſt coming in thereof, was to uſher *Antichriſt*: For I do find, in my reading, that *Anno* 666. the Year that was deſigned or computed for the Coming of Antichriſt, *Vitalian* Biſhop of *Rome*, brought to the Church *Singing of Service*, and the *Uſe of Organs*, &c. as we read in *Platina*, *Balæus*, and others, in the Life of *Vitalian*, who therefore was called *the Muſical Pope*; although at that time there was greater occaſion of *Sorrow*, the *Longobards* having entred and waſted *Italy*; and therefore Faſting and Praying had been more proper than Muſick or melodious Singing. Hereupon (ſaith mine Author) Ignorance aroſe among the People, lull'd, as it were, aſleep, by the confuſed noiſe of many Voices. This carried colour of advancing Devotion, although it was no better (as the caſe then ſtood) than the Altar erected to the unknown God, *Acts* 17. Hereby the Key of Knowledge was hid, *Luke* 11. when the common People underſtood not what was ſung; and the heat of Zeal was quenched in Men of Underſtanding, whoſe Ears were tickled, but Hearts not touched, whilſt (as St. *Auguſtine* complains of himſelf) moſt were more moved with the ſweetneſs of the Song, than by the ſence of the Matter, which was ſung unto them; working their Bane, like the deadly touch of the *Aſpis*, in a tickling Delight, or as the ſoft touch of the *Hyæna*, which doth infatuate and lull aſleep, and then devoureth. If Service in the Latin or unknown Tongue, whereof the ſimpleſt People underſtood ſomewhat, was juſtly cenſured, certainly this manner of ſinging Pſalms and Service, whereof the moſt Learned can underſtand nothing, is to be condemned. I diſlike not ſinging, though by Muſick of Organs and other Inſtruments; but

An. 1614. but I wiſh that what is ſung may be underſtood: And as *Juſtinian* the Emperour commanded all Biſhops and Prieſts to celebrate Prayer with a loud and clear Voice, *non tacito modo*, that the Minds of the Hearers might be ſtirred up with more Devotion to expreſs the Praiſes of God; ſo wiſh I that Service and Pſalms may be ſo read and ſung, that they may be underſtood, and ſo edifie the Mind, as well as pleaſe the Ear.

Now I am to declare, That this Office doth neither tend to the Honour of God, the Propagation of Piety, the Advancement of Learning, or Benefit of the Commonweal; but to the contrary, as I have delivered, rather to the Diſhonour, *&c.* but the Day being ſo far ſpent, I will not aſſume too much boldneſs to preſs upon your Patience for further hearing thereof; but will crave leave for further rendring thereof at fitter Opportunity, and your better Conveniency.

But the Buſineſs proceeding vigorouſly in the Houſe, we do not find any further Speech made by this Gentleman on this Subject. But Mr. *Thomas Pury* (an Alderman of *Glouceſter*) did at the ſame time thus expreſs himſelf.

Mr. Pury's *Speech againſt Deans and Chapters.*

Mr. *Hide*;

I Riſe not up to anſwer the Arguments of the Learned Gentleman of the Long Robe that ſpake laſt, which were to prove ſome Incoherence of the Preamble with the Body of the Bill concerning the aboliſhing of Deans and Chapters, in reſpect of their Government in the Church of *England*, who have none at all, as hath been argued: But there are ſome Reaſons ſtick with me, whereby I do conceive, that the Deans and Chapters have been and are part of the Government of the Church of *England*; and that the Preamble and Body of this Bill, therein may very well ſtand together. For if you take the Deans and Chapters in their Original, who (as it was ſaid by a Learned Serjeant over-againſt me) were firſt founded in Superſtition, allied to your Regular Monks; or if you conſider them as in Inſtitution to be *Conſilium Epiſcopi*, to aſſiſt Biſhops in their Government and Diſcipline, or if you look upon thoſe Deans and Chapters of the laſt Foundation by King *Henry VIII.* yet certainly they are, in all theſe Capacities, a part of the Government of the Church of *England*; and as well the Rural as the Cathedral Deans, are numbred by your own Writers amongſt Church-Governours; and they are in and amongſt themſelves a part of the Church-Government: And by the Book of Reformation of Eccleſiaſtical Laws, they are to govern themſelves according to their Statutes of Foundation; and to keep them pure and entire, ſo far as they are not repugnant to the Word of God, and our Conſtitutions of Religion.

And for the better ſatisfaction of this Committee and my ſelf, here is a Copy of the Statutes, Grant, and Foundation of the Dean and Chapter of our Cathedral of *Glouceſter*: I have read them over, and do find, 1. The End wherefore the Lands and Poſſeſſions were granted unto them. 2. The Manner and Form of their Governing themſelves. And, laſtly, their ſeveral Oaths to keep all the Statutes preſcribed unto them. And becauſe of my weak Memory, pleaſe you to give me leave to read the Words in the Kings Grant, Engliſhed thus:

'We have erected and conſtituted Cathedrals and Colleges, in the place of 'Monaſteries, to the end that where Ignorance and Superſtition did reign, 'there the ſincere Worſhip of God ſhould flouriſh, and the holy Goſpel of 'Chriſt Jeſus be daily and purely preached. And further, That the encreaſe of 'the Chriſtian Faith and Piety, the Inſtruction of Youth in good Learning, and 'the Suſtentation of the Poor, ſhould be for ever there kept, maintained, and 'continued. And the ſaid Deans, Prebends, Canons, and all other Perſons be'longing to the ſaid Cathedrals and Colleges, are to be governed and ruled ac'cording to the Statutes preſcribed unto them.

Sir,

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Sir,

The Statutes are many; I will in brief tell you the ſubſtance of ſome few of them. The ſaid Deans, Prebends, and Canons, are always to reſide and dwell in the Houſes of the ſaid Cathedral, and there to keep a Family, good Hoſpitality, to feed the Poor, and to diſtribute Alms unto the Needy; to be careful to preach the Word of God, *in ſeaſon and out of ſeaſon*, and to ſow the Seed of the Word of God abroad, but eſpecially in the ſaid Cathedral Church, and to have Youth profitably taught there. And to the end that they all ſerve God, as well at Meals as in the Church, they are to have a common Table in the Common-Hall of the ſaid Cathedral, where the ſaid Canons, Scholars, Choriſters, and under-Officers, are appointed to eat together. And the ſaid Dean and Chapter are to give yearly 20 *l.* to the Poor, beſides their own poor Alms-men, and 20 *l.* more yearly towards the repairing of Bridges and High-ways thereabouts.

Sir, For the performance of the ſaid Statutes and Premiſes, the ſaid Deans, Prebends, Canons, and Miniſters of the ſaid Cathedral, do, or ought reſpectively to take an Oath, and thereby in expreſs Words do call God to Witneſs, and do ſwear upon the holy Evangeliſts, to Rule, Govern, and Behave themſelves well and faithfully in the ſaid Church, according to the Will and Statutes of the Founder: And every one of them doth ſwear, That he will to his utmoſt Power, well and faithfully keep all and ſingular the ſaid Ordinances and Statutes, as much as concerns himſelf; and will procure all others, as much as concerns them, to keep the ſame inviolably: So help him God, and theſe holy Goſpels of God.

Mr. Hide, You ſee *wherefore* the Lands were granted unto Deans and Chapters; what their Statutes are, and their Oaths to keep them. It might be thought, that theſe Men do know a way, another or nearer way to Heaven, than they teach us; or otherwiſe they would not ſit in the Seat of Perjury, as they ſeem to do, without remorſe of Conſcience.

For it is notoriouſly known to the City of *Glouceſter*, and Country thereabouts, That not one of the ſaid Statutes before-mentioned, are, or ever were, during my Remembrance, kept, or the Matters contained in any of them, performed, by any of the Deans or Prebends of the ſaid Cathedral. They come indeed once a year to receive the Rents and Profits of the ſaid Lands; but do not diſtribute unto the Poor and Needy their Portion, neglecting altogether the Mending of the High-ways and Bridges, and do not keep any common Table at all; and inſtead of preaching the Word of God themſelves, *in ſeaſon and out of ſeaſon*, they are and have been the chief Inſtruments to hinder the ſame in others. Infinite are the Preſſures that many Cities near unto Deans and Chapters, have endured by them and their procurement.

And whereas it was objected by another Learned Gentleman of the Long Robe, That the Deans and Chapters are a Body Corporate, and that they have as much Right unto their Lay-Poſſeſſions, as any other Body Politick, or any City or Town Corporate; I am of his Opinion, for ſuch Lands and Poſſeſſions (if they have any) which they bought themſelves in Right of their Corporation, or for ſuch Lands as were given them for their own Uſe; and I am well contented that ſuch Lands ſhould be left unto them. But their caſe is far different in my Opinion, for I have ſhewed you before, to what godly, pious, and charitable Uſes, the ſaid Lands and Poſſeſſions were granted unto them: And ſuitable thereunto, you may call to mind the *Londoners* Caſe, about *London-Derry*, in the Star-Chamber, where they were fined 70000 *l.* to his Majeſty; and the ſame afterwards eſtreated into his Majeſty's Exchequer. But upon the Writ of Extent iſſuing out thereupon, his Majeſty, as I have heard, received no Benefit of any ſuch Lands, whereof the Corporation was ſeized for the maintenance of any Hoſpitals, Bridges, or other charitable Uſes, nor ought to have done, as I conceive.

Seeing therefore the ſaid Deans and Chapters are but Truſtees, and the Profits of the ſaid Lands ſo ill employ'd by them, contrary to the Truſt in them repoſed, I am clear of Opinion, That by a Legiſlative Power in Parliament, it is fit to take them away, and to put them into the Hands of Feoffees, to be diſpoſed of to ſuch Pious, and Charitable Uſes, as they were firſt intended.

But it was ſaid by a worthy Knight, That he ſhould be unwilling to take away their Lands and Poſſeſſions, until he firſt knew how they ſhould be diſpoſed of; and how the Perſons, who were many thouſands in this Kingdom (as he ſaid)

An. 1641. that ſhould want Bread, ſhould be provided for. Certainly, Mr. *Hide*, though that is not the Work at this time, yet I account it no difficulty to ſatisfie that worthy Knight; for I find upon the ſurvey of the Lands of the ſaid Deanry of *Glouceſter*, That it hath above twelve Rectories of good value, and about thirty Vicarages, Penſions, and Portions of Tythes, which being at the firſt *Deo Conſecrata*, moſt fit they ſhould be ſtill employ'd for the maintenance of the Goſpel. And therefore if the Dean and thoſe Prebends, being but Seven in all, to be now taken away, will be preaching Miniſters, there is, I hope, ſufficient maintenance for ſo many of them as have not too much beſides, and yet to reſerve as large a Salary as now is allow'd, for ſo many Singing-men there in Holy Orders that cannot preach: And then there are left to be provided for, but the Organiſt, eight Singing-Boys, two School-maſters, four poor Almsmen, and ſome under-Officers, whoſe yearly Wages come unto about 100 *l. per Annum*; and the ſaid Dean and Chapter have almoſt the third part of the Houſes of the City of *Glouceſter*, the old Rent of them being yearly about 175 *l.* which will well defray that Charge, with a ſufficient Surpluſage, for Repairing the High-ways and Bridges, and 20 *l.* a year to the Poor, as is aforeſaid.

But over and beſides the ſaid yearly Revenues before-mentioned, the ſaid Dean and Chapter of *Glouceſter* (although but of the laſt Foundation, and one of the leaſt in Revenue in this Kingdom, yet) have alſo eighteen goodly Mannors, and alſo divers other Lands, Tenements, and Hereditaments, beſides the Manor-Houſes and Premiſes, the old Rent of Aſſize of one of the ſaid Mannors being 80 *l. per Annum.*

Out of which Mannors and Lands, the ſaid Cathedral being to be made a Parochial Church, 200 *l. per Annum*, or more, may be allowed for a Learned preaching Miniſter there, and 100 *l. per Annum* apiece, for two ſuch others to aſſiſt him, which in few years, one of the ſaid Mannors will diſcharge, and alſo ſufficiently repair the ſaid Cathedral-Church. And then the reſt of the ſaid Mannors and Lands may be employ'd to other godly, pious, or charitable Uſes, as the Wiſdom of the King and Parliament ſhall think fit; and ſuitable to this, but in a more ample proportion of maintenance, will be the Allowances of all other Deanries in *England.*

Again, This, I conceive, will anſwer another Objection, raiſed by a worthy Knight at the Bar, touching the Poverty of the Clergy of *England*, if this Bill ſhould take effect, ſurely my Opinion is quite contrary, and to that purpoſe I call to mind the Saying of a Learned Divine, Chaplain to a Nobleman, upon ſome Conference with him, of our wiſh'd Deſire to remove ſcandalous Miniſters, and to reduce the Impropriations of Biſhops, Deans, and Chapters, to a preaching Miniſtry; *If theſe things*, ſaith he, *take effect, the Univerſities will not be able to ſupply the Churches.*

And ſurely, *Sir*, if theſe things take effect, I am confident we ſhall be ſo far from having a poor, beggarly Clergy, as that no Kingdom in the Chriſtian World will have a more rich and flouriſhing Clergy, both for Nurſeries and Encouragement of Learning, and for their maintenance in more plentiful manner, than it is at this preſent. Pleaſe you therefore to put the Queſtion, I am ready to give my Aid thereunto.

June 16. Deſign to diſturb the diſbanding of the Army.

The Houſe of Commons having cauſe of Jealouſie, that there was ſome Deſign by a diſaffected Party in *Scotland*, to diſturb the diſbanding of the *Scots* Army, took into Conſideration a Paper ſent from *Scotland*, intituled, *Inſtructions given by the Earl of* Montroſs, *to the Lord* Napier, *and to the Lords of* Ker, &c. The *Contents* of which obſcure Paper, were this day read, and was to this effect, *viz.*

Concerning *Montroſs* and the Deſign in *Scotland.*

(1.) To give Advice above, how neceſſary it is that *R.* do come to the Plantation [*viz.* Parliament.] (2.) That *H.* [that is, Offices of State] be kept till it be ſeen who ſerves him beſt. (3.) That *H.* [Offices of State] be not beſtowed by the Advice of the Elephant [that is, *Hamilton*] for fear he cruſh the *R.* to aſſure *R.* that *R.* and *L.* [that is, Religion and Liberty] being granted, he will be powerful to cruſh the Elephant; not

to

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to let *R.* drink Water, except he promiſe not to caſt it up again: That *R.* be preſent in Perſon in the Proclamation [that is, the Parliament] to countenance his own Security.

Four Propoſitions more of Conſequence did accompany theſe dark Memorials, which being miſlaid, cannot now be mentioned.

Upon the Debate of this Paper of the Earl of *Montroſs*'s; it was

That the Armies may be disbanded before the King go into the North.

Reſolved, That both Houſes be humble Suitors to his Majeſty that the Armies may be disbanded before the King's going into the North [his Majeſty preparing for a Progreſs into *Scotland.*] That all parts of the Kingdom be put into a poſture of Defence againſt all Oppoſition whatſoever: That all Counties, eſpecially the Northern, ſhould be well ſtored with Ammunition and Arms; and that the Train'd-Bands be exerciſed: That an eſpecial Eye may be had over all Counties, where the Papiſts are moſt reſident: And, That all publick Bills, for the People's Satisfaction, may be expedited while the King is among us.

That *England* be put into a poſture of defence.

That care may be taken of her Majeſty's Safety, and the Safety of the King's Children; and that ſome Perſon of Credit, Quality, and Truſt, may be thought of, to be always near the Queen, in the time of the King's Abſence.

The Queen and King's Children to be taken care of.

Reſolved, That this Houſe doth approve of the Lord General's going down to the disbanding of the Army.

Lord General (the Earl of *Holland*) to go down to diſband the Army.

Col. *Goring* this day made a Declaration of all he knew in the Buſineſs concerning the uniting of the Forces of the Army, and putting it into a poſture, and ſome other Circumſtances depending upon that Buſineſs.

A Report made this Day to the Houſe of Commons, from the Committee appointed to examine the Plot.

Of the Examinations of ſeveral Gentlemen concerned in the late-intended Conſpiracy againſt the State, whereof theſe following are the Minutes.

The Minutes of Examinations taken concerning the Plot, *June* 16.

THat the Conſpirators in the New Treaſon had a threefold Deſign:

Firſt, Concerning the Tower of *London.*

Secondly, The *French* Army to have *Portſmouth* delivered into their Hands.

Thirdly, A Deſign againſt the Parliament, by working the Army againſt it.

Captain *Billingſley*'s Examination was read in the Houſe, confeſſing, That Sir *John Suckling* invited him to the Employment.

Next Mr. *Nutt*'s Examination was read, whereby it appeared the Earl of *Strafford*'s Eſcape was projected.

The before-recited Examination of the Lieutenant of the *Tower* was likewiſe read; which plainly ſhewed, That the Earl of *Strafford* endeavoured an eſcape, promiſing him 20000 *l.* and to advance his Son in Marriage, to one of the richeſt Matches in the Kingdom.

As concerning the Army to be engaged againſt the Parliament, Lieut. Colonel *Ballard*'s Examination was read; whereby it appeared, that Capt. *Chidley* brought down to the Army many Propoſitions; ſome of which were, That Colonel *Goring* ſhould be Lieut. General of the Army, and that the Prince, and the Earl of *Newcaſtle* would be in *Nottinghamſhire* with a thouſand Horſe ready to join with the Army.

An. 1641.

That *Willis* upon his Examination declared, That the *French* were to aſſiſt them; and that the Clergy would, at their own Charge, ſend 2000 Horſe to the Aid of the Army; and that the Prince would come down to the Army.

The Examination of Colonel *Goring* was read alſo in the Houſe, which is omitted here, becauſe it is mentioned before in the Month of *May* laſt.

Widdrington and *Herbert* diſcharged from the Tower.

This Day alſo Sir *William Widdrington*, and Mr. *Herbert Price*, upon Submiſſion, were diſcharged from the *Tower*, and received into the Houſe.

June 17. A Clauſe put to the Petition of Right.

A Committee appointed to conſider of that Clauſe concerning Tonnage and Poundage, added to the *Petition of Right*, and how the ſame came in; and to conſider of ſome Remedy to prevent the Inconveniences that may happen to Poſterity thereby.

Pullers down of Rails in the Church of St. *Savior's Southwark* ſentenc'd.

The Lords this Day proceeding upon the Complaint late made unto them, from the Miniſter, and ſeveral Inhabitants of St. *Saviour's Southwark*, ſentenced Two of the riotous Delinquents, fining them Twenty Pound a piece, to ſtand Two ſeveral Market-days in the Pillory, and Impriſonment during Pleaſure; and Two others they referred to the Quarter Seſſions, to be there indicted and proſecuted according to Law.

There went forth this Day Four Cart-loads of Money towards the *Engliſh* Army, containing 32000 *l.* and more was ordered ſuddenly to follow.

June 18. Poll-Money.

A Committee appointed to draw a Bill for Poll-money, according to the ſeveral Votes this day paſs'd, touching the ſeveral Degrees, and how much each ſhould pay, *viz.* Every Duke to pay 100 *l.* A Marquiſs 80 *l.* Earl 60 *l.* Viſcount 50 *l.* Lord 40 *l.* Baronet 30 *l.* Knight 20 *l.* Eſquire 10 *l.* and ſo on to inferiour Ranks.

Queen-Moth.

This day Order was given for the making ready againſt *Monday*, the King and Queen's Barges, for the Conveyance of the Queen-Mother and her Train, to *Graveſend*, being bound (as was ſaid) for *Italy*, her Native Country. But (for want of Money) ſhe did not go for ſome time after.

Sat. June 19. Conference.

The Lords ſent a Meſſage to the Commons to deſire a Conference in the Afternoon, about diſbanding of the Armies.

Sir *W. Savyl.*

In the Houſe of Commons Sir *William Savyl's* Petition was read, for his releaſing out of the Tower (whither he had been committed ſome time before, for diſcloſing and informing certain Words ſpoken in the Houſe, by certain Members in a former Parliament; by occaſion whereof after the ſaid Parliament diſſolv'd, they were impriſoned.) The Houſe was divided upon it; but by the majority, carryed for his continuance in Cuſtody.

Incendiaries.

The Houſe was alſo again divided upon voting that part of the *Scots* demands, That all Incendiaries ſhould be tryed in their own Countries, and carried in the Affirmative.

Pluralities and Non-reſidents

A Bill read againſt Pluralities, That whoever had Two Livings, ſhould reſign the one before the 21*ſt* of *September* next: And ſuch as ſhould be abſent from their Living at any time Sixty days, to loſe it.

Scots Money when to be paid.

There was alſo a great Debate about the payment of the 300000 *l.* allowed the *Scots*. And at length it was concluded, that they ſhould have 100000 *l.* paid at *Michaelmaſs* come Twelve-month, and the other 200000 *l.* at *Mid-ſummer*, Two Years after.

Mond. June 21 Licenſing of Books.

A Committee to prepare a Bill for Licenſing of Books that ſhall be Printed.

Ordered,

16 *Car.*

High-Commiſſion.

Epiſcopacy.

Ordered, That until the next meeting after the *Receſs*, there ſhall be no Proceedings upon any Petitions that concern the Books which were ſeiz'd upon by the High-Commiſſion.

The Houſe being reſolved into a Grand Committee of the whole Houſe, to debate the Bill for aboliſhing Epiſcopacy; and Mr. *Hide* being in the Chair, Sir *Edward Deering* delivered the following Speech,

Sir Edward Deering's *Speech about Church-Government*, June 21. 1641.

Mr. *Hide*,

YOU have here a Bill, but ſuch an one as is like to be ſhort-liv'd, and not to grow into a perfect Act, unleſs you pleaſe to add thereunto ſome very important, very ſignificant Proviſoes; ſuch, wherein we may have, or whereby we may be aſſured in another Bill, to have a future Government in room of this that goes out. I am confident the Lords will otherwiſe debate and diſpute your Bill quite out of Doors.

Sir, We are all bound unto the Goodneſs of his Sacred Majeſty (God preſerve him and his for it) none of all our Bills, none of our Petitions (this Parliament) have miſcarried in his Royal Hand, but have been all compleated with the Royal Aſſent.

But the Ambition of ſome of our Prelates will not let them ſee how incompatible Two ſeveral contradiſtinguiſh'd Functions are in one and the ſame Perſon: And therefore there is left you neither Root nor Branch of that ſo good, ſo neceſſary a Bill, which lately we did ſend up, and conſequently no hope of ſuch a Reformation as we all do aim at.

What Spark of Hope can we then have, that this Bill, which ſtrikes at Root and Branch, both of their Seats of Juſtice there, and of their Epiſcopal Chairs in the Church, will paſs, as it is, and without tender of ſome other Government in lieu of this, ſince the Voices are ſtill the ſame which outed your former Bill?

Truly (I profeſs) my Hopes are ſad in this: never had one Parliament ſo many great Affairs; never had any Parliament any Affair ſo great as this, which we call The *Bill of Epiſcopacy*: Certainly, *Sir*, it is the great Hope, or the exceeding Fear of every Man here, and of all Men abroad.

Many a time, this Parliament, I have heard (and not unjuſtly) that the Buſineſs then in Hand, was of as great Conſequence as any had been agitated within theſe Walls. But in truth, *Sir*, to my Apprehenſion, neither Star-Chamber, nor High-Commiſſion, nor Ship-money, nor *Strafford*'s Death, nor *Canterbury*'s Life, are (with me) equivalent to the ſettling, or unſettling of the whole National Church of this Kingdom.

We cannot anſwer to God, or Man, if we do not uſe our beſt and moſt vigorous Endeavours for the Peace of the Church we live in. I ſhould think this a happy Day, if we could ſo temper this Bill, that it might walk fairly on through the Houſe of Lords unto the King. To this end, that we may not loſe All, by asking more than All, I will be bold to offer to your Conſideration a Proviſional Addition or two; ſuch as, I hope, may both ſatisfie us, and ſecure our Bill by fit Amendments.

[Here was a little Interruption, and then a long Addition to the Bill, preſented in Writing, for putting all Church-Government into the Hands of Commiſſioners in every Dioceſs. But Sir *Edward* proceeded.]

Sir,

There is now offered unto you a large Addition to your Bill, longer (indeed) by far than the Bill it ſelf; it ſeems to deſire that a proportional number of Clergy and Laity, may be Commiſſionated together, for all Eccleſiaſtick Juriſdiction, until a future Government be reſolved on.—— I muſt confeſs I am not ſatisfied with this way of Commiſſioners. It would joy me much, and ſatisfie me more, if as one Government goes out, I could ſee another come in, without an *Interregnum* of Commiſſioners.

We are Reſolved, That the preſent way of Government is unſufferable; let it go, but let us have another. This I conceive to be feaſible, and that in fewer Words than this Additional Increment, now offered to your Bill; which in truth will make me like your Bill the worſe.

To

An. 1641. To this purpoſe I do lay this Ground: A Church Government we muſt have; this is (within theſe Walls for ought I hear) on all Hands agreed upon; and then (by unavoidable neceſſity) this Government muſt be diſtributed into Parts, into certain Limits, Circuits, and Diviſions of Places, wherein it is to be exerciſed.

Unto this being granted, I do ſubjoyn Three Propoſitions, and they are theſe.

Firſt, Our preſent Dioceſſes are (for the moſt part) much too large, too vaſt; I deſire therefore, That the Circuit, for future Church-Government may be reduced to the common Boundaries and Limits of our ſeveral Shires; the diſproportion from thence objected ſhall be eaſily anſwered.

Secondly, Next, in every of theſe Diviſions, I deſire that ſome Choice, Able, Grave Divines, (Twelve or more in a Shire) may be by the Parliament appointed, to be in the Nature of an Old Primitive Conſtant Presbytery among us.

Thirdly and laſtly, Becauſe all meetings of many muſt be diſorderly, and the Rule of many cannot be without Confuſion, unleſs there be one to guide and to direct the reſt, I ſhall deſire, that in every Shire, over every Presbytery, we may eſtabliſh one Preſident. A Preſident, I ſay, more to ſatisfie others than my ſelf. The Name of Biſhop diſturbs not me; let him be a Biſhop, or an Overſeer, or a Preſident, or a Moderator, or a Super-intendent, or a Ruling Elder; call him what you will, ſo as you provide me one in every Shire, over every Presbytery, to guide and direct the reſt.

The different Senſe (to be eaſily obſerv'd) and, I hope, not paſt our ſtrength to be reconciled, in this Houſe, concerning our preſent Church-Government, is Twofold: One is for Ruin thereof; the other for Reforming, both are nearer together in Heart, I perſwade my ſelf, than we are yet aware of; the nearer the better, and more eaſie Compoſure, both of our own ſelves here, and of the Churches Peace throughout the Land abroad. God ſend that we may find the way to Peace.

If the right Form of Primitive Epiſcopacy were truly ſtated forth unto us, it would (queſtionleſs) take and lead our Judgments along therewith.

This Biſhop was not ſo much a Lord, as a Father over his Charge, ruling with Love and tender Bowels: Whoſoever did Inſtitute this Epiſcopacy, ſure I am, this Biſhop hath, and ever had, a Precedency before, and a Preſidency over others of his own Order. He was one Man choſen out among the reſt, and by the reſt put into a ſeveral Degree (not into a diſtinct Superiour Order) above the reſt εἰς τὸ Ἐπισκοπεῖν *ad Epiſcopandum*, to overſee the Reſt; and this only in matters Spiritual; nothing at all in Affairs Temporal or Secular Imployments.

If this Biſhop were not of *Apoſtolical Inſtitution*, yet it is undeniable that he was of *Apoſtolical Permiſſion*. For of, and in the Apoſtolical times, all Stories, all Fathers, all Ages have agreed, that ſuch Biſhops there were. His Rule indeed was with conſent of his Senate, his Presbytery: *Direction* was his; *Coercion* was ſtill their own.

He had πρωτεδρίαν, yea and πρωτοσίαν, both the firſt place of ſitting, and the chiefeſt part of Power: I ſay the chiefeſt part; I do not ſay the *greateſt part of Power*. The Power, it was more eminent in him, but it was virtually reſiding and domeſticant in the Plurality of his Aſſeſſors.

Theſe Aſſeſſors were the Presbyters the Elders of the Church, of whom, Holy *Ignatius* (a Father ſo Primitive, that he was Diſciple to St. *John* the Apoſtle) and by ſome, thought to be that very Child (whilſt he was a Child) whom our Bleſſed Saviour took and ſet before his Diſciples, whereof you read in three of the *Evangeliſts*, This *Ignatius*, I ſay, in his Epiſtle to the *Trallians*, doth call theſe Elders, συμβέλους καὶ συνεδρεμίας τοῦ Ἐπισκόπου, *The Counſellors and Coaſſeſſors of the Biſhop*.

Here was in this Age (and yet this Father died a Biſhop and a Martyr before the laſt Apoſtle went to Heaven:) here was a Fellowſhip, yet ſuch a Fellowſhip as deſtroyed not Preſidency; and in another Epiſtle (that to the *Magneſians*) you have ſuch a Preſidency as doth admit alſo of a Fellowſhip. The Words are πρωτοκαθεδρία τοῦ Ἐπισκόπου εἰς τύπον Θεοῦ, καὶ τῶν Πρεσβυτέρων εἰς τύπον συνεδρίου τῶν Ἀποστόλων, the Biſhop being Preſident, (the very Name and Office there) as in the Place of God, and the Presbyters as a Senate of Apoſtles. I forbear to dilate upon

upon this Epiſcopacy: But I will be bold, *Ponere ad Oculos*, to ſet him before your Eyes: I will give him you, even by way of Demonſtration. 16 Car.

Mr. *Hide*, Your ſelf are now in this Great Committee; Mr. Speaker is in the Houſe, the Biſhop of our Congregation: You are in your ſelves but fellow-Members of the ſame Houſe with us, returned hither (as we alſo are) to ſit on theſe Benches with us, until by our Election, and by common Suffrage you are Incathedrated: Then you have (and it is fit and neceſſary that you ſhould have) a Precedency before us, and a Preſidency over us. Notwithſtanding this, you are not diverſified into a ſeveral diſtinct Order from us; (you muſt not ſwell with that Conceit;) you are ſtill the ſame Members of the ſame Houſe you were, though rais'd to a painful and careful Degree among us, and above us.

This Biſhop had (as your ſelf have here) *Poteſtatem Directivam*, but not *Correctivam*. Correction in our Houſe doth dwell in the General Vote. You know the Power you have is limited and circumſcribed by them who gave it: You are no Dictator to preſcribe us our Laws, but muſt gather our Votes; and then your pronouncing doth fix our (not your own ſingle) Orders. Neither you here, nor Mr. Speaker in the Houſe can *degrade* any one of us from theſe Seats, nor can you ſilence us in the due Liberty of our Speech.

Truly, Sir, as yet adviſed, I do heartily wiſh, that we had in every Shire of *England*, a Biſhop, ſuch and ſo regulated for Church-Government, within that Sphere, as Mr. Speaker is bounded in and limited, by the Rules and Cancels of this Houſe. That were indeed a well-tempered and a bleſſed Reformation; whereby our Times might be approximant, and conformant to the Apoſtolical and pure Primitive Church. But this, I fear, is *Magis optandum quam ſperandum*: Yet it being the Cauſe of God, who can then deſpair?

This Happineſs (I mean living under *Epiſcopal Preſidency*; not under a *Domineering Prelacy*;) this is too high above our reach; yet ſtrong Prayers, and hearty Endeavours may pull the Bleſſing down upon us: In the mean time, Woe is our Churches Portion, for our *Biſhop-Preſident* is loſt, and grown a Stranger to us: and in his Room is crept in and ſtept up a *Lordly Prelate*, made proud with Pomp and Eaſe; who neglecting the beſt part of his Office in God's Vineyard, inſtead of *ſupporting the weak*, and *binding up the broken*, forrageth the Vines, and drives away other Labourers. The Vines indeed have both Grapes and Leaves, and Religious Acts, both Subſtance and Circumſtance, but the Gardener is much to blame, who gives more Charge to the Workman of the Leaves than of the Fruit.

This rough enforcement of late, to that which is not the better part, is an Epiſcopacy, that turns all our Melody into a Threnody: This makes many poor, pious Chriſtian Souls, to *ſing the Songs of Sion in a ſtrange Land.*

This Biſhop will have no Aſſeſſors (or if any, ſo formally admitted, and ſo awed, as good have none) no Senate, no Conſultation, no Presbytery or Common Suffrage, but elates himſelf up into uſurped Titles, and incompatible Power, and ſublimes it ſelf by aſſuming a Soleſhip both in Orders and in Cenſures. Religion and Reaſon, and Primitive Example, are all lowd againſt this Epiſcopacy. This too elate ſubliming of one, cannot ſtand without a too mean Demiſſion, I may ſay, debaſing of many other of the ſame Order: Nay, this Biſhop, not content with Eccleſiaſtick Pride alone, will ſwell alſo with Ambition and Offices Secular.

Truly, Sir, you have done exceeding well to vote away this Biſhop: For of this Biſhop (and of this alone) I muſt underſtand the *Vote* you have paſſed, until I be better inſtructed; for your Vote is againſt the preſent Epiſcopacy; and for the preſent, you can hardly find any other Epiſcopacy but this; an Authority, however by ſome of them better exerciſed, yet too ſolely entruſted to them all.

Away then with this Lordly Domineerer, who plays the Monarch (perhaps the Tyrant) in a Dioceſs: Of him it is of whom I read, *Epiſcopalis Dignitas Papalem faſtum redoſet.* This kind of Epiſcopacy, it ſmells rank of the Papacy: nor ſhall you ever be able utterly and abſolutely to extirpate Popery, unleſs you root out this *Soleſhip* of *Epiſcopacy*.

To

An. 1641.

To conclude, in ſhort and plain *Engliſh*, I am for aboliſhing of our preſent Epiſcopacy, both Dioceſſes and Dioceſan, as now they are. But I am withal (at the ſame time) for Reſtauration of the Pure Primitive Epiſcopal Preſidency. Cut off the Uſurped Adjuncts of our preſent Epiſcopacy, reduce the ancient Epiſcopacy, ſuch as it was, *in puris ſpiritualibus*. Both may be done with the ſame Hand, and I think in a ſhorter Bill than is offered now by way of Addition.

Down then with our *Prelatical Hierarchy*, or Hierarchical Prelacy (ſuch as now we have) moſt of it conſiſting of Temporal Adjuncts only; the *Diana* and the Idol of proud and lazy Church-men! This do, but *ea Lege*, on this Condition, That with the ſame Hand, in the ſame Bill, we do gently raiſe again (even from under the Ruins of that Babel) ſuch an Epiſcopacy, ſuch a Preſidency, as is venerable in its Antiquity and Purity, and moſt behoveful for the Peace of our Chriſtendom.

This is the way of *Reforming*: And thus by yielding to the preſent Storm, and throwing that over-board which is adventitious, borrowed and undue: Peace may be brought home unto our Church again, the beſt of that Building, and the truth of ancient Epiſcopacy may be preſerv'd; otherwiſe we hazard all. This would be Glorious for us and for our Religion; and the Glory thereof will be the greater, becauſe it redounds unto the God of Glory.

My Motion is, That thoſe Sheets laſt preſented to you, may be laid by, and that we may proceed to reduce again the old original Epiſcopacy.

June 22.

Ordered, That the Committee appointed to meet with the *Scotch* Commiſſioners, do receive a Narration of ſeveral Paſſages in *Scotland*, concerning that Kingdom; and to move that the Papers themſelves may be delivered.

Deſigns to diſturb the Peace.

The Houſe finding every Day new Diſcoveries of Meetings of Papiſts and others, and of ſeveral Plots and Deſigns to diſturb the Peace of this Kingdom, and the Kingdom of *Scotland*, do therefore deſire the Lords, That all ſuſpected Perſons may be ſtayed and examined, and all Letters of this Week may be ſeiz'd upon, and brought to be peruſed.

Letters to be ſtopt.

The Gentleman-Uſher ſignified to the Houſe, that his Majeſty was in the Houſe of Peers, and expected the Houſe, with the Speaker to attend him there; at which time his Majeſty paſs'd the Bill for Tonnage and Poundage, being preſented to him by the Speaker, with this Speech,

Mr. Speakers Speech in the Lords Houſe of Parliament, June 22. 1641.

Mr. Speaker's Speech at his preſenting to the King the Bill of Tonnage and Poundage, *June* 22.

THat Policy is beſt, moſt Gracious and Dread Sovereign, which weighs the *Prerogative* of the King, and *Property* of the Subject in the *ſame Scales*, and encreaſes the Plenty of the Crown, and Contentment of the People: the even-poiſing of this Beam, enables both; the one being ordained for the Preſervation of the other.

This Principle is ſo rivetted into the Hearts of your Subjects, by the Acts of their Anceſtors, and Traditions of their Fore-Fathers, that it hath created a Belief in them, that their Wills are *bound* to a due Allegiance, and their Fortunes and Eſtates, as well as their Duty and Subjection, muſt bend to the Commands of that Sovereign Power, with which God hath inveſted your *Sacred Majeſty*.

Compulſory Obedience, advanced by the tranſcendent Power of *Prerogative* is too weak to ſupport the Right of Government; it is the *Affections* and *Eſtates* of your People, tyed with the Threads of Obedience, by the Rules of *Law*, that faſtens *Safety* and Proſperity to the Crown.

The Experiment of *Elder* times in the Reign of the moſt Valiant, Puiſſant Princes, hath concluded this the Sovereign Preſervative againſt the Diſeaſes of Diſtraction and Confuſion, and makes it manifeſt to the World, that the *Honour* and Glory of this Throne is to command the Hearts of Free-men.

This

16 Car.

This admitted, the Permiſſion of the leaſt Diminution, or any eclipſed interpoſition between the Honour and *Plenty* of the Crown contracts a *Scorn* upon the Nation.

Several Parliaments in former times have ſtampt the Character of a *free Gift* upon the fore-front of this Aid, ſtill offered by the People as a Sacrifice of Thanksgiving to the Crown for the ſafe Conduct of your *Merchants*, and Proviſion of the Navy, to ſtrengthen your undoubted Dominion over the *Seas*, which hath protected your *Allies*, and is a Terrour to your Enemies.

Our hopes were long ſince to have ſettled this for the Meaſure and Time; and with this, to have preſented to your Sacred Majeſty the Triumphant Palm of Tranquility in all your Kingdoms: But as a Ship floating upon a rough Sea, we have been caſt upon the Rock of Fears and Dangers, and toſſed on the Billows of Diſtraction, and diſtruſt of *Church* and *Commonwealth*, where we yet remain hopeleſs, ever to paſs through that *narrow* Channel, which leads to the Haven of *Peace*, unleſs we be ſteadily ſteered on by the Hand of your *Sacred Wiſdom*, *Care*, and *Providence*.

In the midſt of all theſe Troubles, and the ſeveral Opinions which have been amongſt us, no Diviſion had Power to diſtract any one of us from the Care and *Duty* we owe to your Sacred Perſon.

And to that end I am now ſent by the Commons of *England* to preſent this as a *Mark* only whereby your Sacred Majeſty may view the inward Duties of our Hearts, until *Time* and Opportunity will give leave for a farther Expreſſion of our Duties and Affections; the Acceptation of this Gift will glad the Hearts of your People, and the Approbation by the *Royal Aſſent* of this Bill (being the *largeſt* for the Meaſure which was ever given) will joyn Wings to our Deſires and Hopes; which ſhall never return without that Olive-Leaf, which may declare, That the *Waters are abated*, and your Sacred Majeſty may have full Aſſurance of the Faith and *Loyalty* of your Subjects.

To which his Majeſty made this following Speech.

The King's Speech at his paſſing the Bill of Tonnage *and* Poundage, June 22. 1641.

I Do very willingly accept your Offer made at this time, as a Teſtimony of your Love, and beginning of your Dutiful Affections unto me: and I no way doubt but that you will perform that which you have intimated unto me, and that in due time you will perform the reſt when you have leiſure.

I doubt not likewiſe but that in paſſing this *Bill*, you will ſee a Teſtimony of the Truſt and Confidence I have in your Affections; as alſo that I omit no occaſion whereby I may ſhow that Affection to my People that I deſire my People would ſhow to me, as in this Parliament hitherto no body can ſay, but that I have ſought occaſions, both to ſhow my Affections unto them, and to remove Diſputes.

And therefore in this particular *Bill* I hope you will know that I do freely and frankly give over the *Right* which my Predeceſſors have *ever challeng'd* unto them; (though, I confeſs, *diſputed*, but yet they did never yield it in their Times:) Therefore you will underſtand this, but as a Mark of my Confidence, to put my ſelf wholly upon the Love and Affection of my People for my Subſiſtence; and therefore I hope that in Proſecution of this you will go on as you have ſaid: And though you have Rumours of Jealouſies and Suſpicions, by flying and idle Diſcourſes that have come to my Ears, concerning the *Extraordinary way*, I confeſs I never underſtood it otherwiſe than as having relation to the *Scottiſh* Army, and preventing Inſurrection, which vaniſhed as ſoon as they were born.

And therefore now you ſee my Clearneſs, I will leave that to you, and will not meddle with it one way or other; for I never had other Deſign, but to win the Affections of my People by my Juſtice in my Government.

The Houſe of Commons were buſie in debating of the Armies, having received ſome Complaints of the unrulineſs of our Soldiers about Town and elſewhere.

An. 1641.

A Bill read againſt Scandalous Miniſters, That there be a Commiſſion granted to the Juſtices of Peace in every County, for the Tryal and Puniſhment of them according to their Deſerts.

Upon reading of a Letter from *Scotland* of dangerous Conſequence, it was moved,

That there ſhould be Heads drawn up for a Conference to be deſired with the Lords, concerning the King's going into *Scotalnd*, and other matters.

The Houſe of Commons perceiving the King's Reſolution to go into *Scotland*, had a Conference with the Lords, concerning theſe Particulars following.

Die Jovis, 24 Junii. 1641.

A large Conference with the Lords, concerning ſeveral Particulars about diſbanding the Army, the Capuchins, *&c.*

I THE *firſt* Head, concerning the disbanding of the Armies; and under this there are ſeveral Particulars.

1. That Five Regiments, according to the former Order of both Houſes, be firſt disbanded.

2. That the Commiſſioners for *Scotland* be entreated to retire ſome part of their Army.

3. That their Lordſhips will joyn with us in a Petition to his Majeſty, to declare his Pleaſure concerning the disbanding of the Five Regiments, for which there is preſent Money provided, and of the reſt of the Army, as ſoon as Money is ready.

4. And to declare if any be Refractary, and contemn his Majeſty's Authority, that he will uſe it for the Puniſhment of them.

5. And that the Lord-General go down to his Charge of the Army, and begin his Journey on *Saturday* next; and that the Maſter of the Ordnance go then down alſo to take care of his Charge of Artillery.

II. The *Second* Head is concerning his Majeſty's Journey to *Scotland.*

That his Majeſty will be pleaſed to allow a convenient time before his Journey into *Scotland*; that both Armies be firſt disbanded, and ſome of the Buſineſs of Importance, concerning the Peace of the Kingdom depending in Parliament, may be diſpatched before his going: This is ſeconded with divers Reaſons.

1. The Safety of his Majeſty's Perſon.

2. Preventing the Jealouſies of his Subjects.

3. Suppreſſing of the Hopes of Perſons ill-affected, that may have Deſigns upon the Army to diſturb the Peace of the Kingdom.

4. Great Advantage to the King's Affairs, and Contentment to his People.

5. That ſome of the Bills now depending in Parliament, whereof divers are ſent up already to the Lords, and ſome proceeding in this Houſe, may receive his Royal Aſſent before he go to *Scotland*; and that we may have time to paſs the Bill of Tonnage to his Majeſty, for ſupporting of the Royal Eſtate, and to ſettle his Majeſty's Revenues for the beſt advantage of his Service; and for theſe Reaſons to allow ſome time before he go into the *North.*

III. The *Third Head*, concerning his Majeſty's Council and Miniſters of State.

Both

Both Houſes to make Suit to his Majeſty, to remove from him all ſuch Counſellors as I am commanded to deſcribe; *viz.* ſuch as have been active for the time paſt, in furthering thoſe Courſes, contrary to Religion, Liberty, Good Government of the Kingdom, and as have lately intereſſed themſelves in thoſe Councels, to ſtir up Diviſion between him and his People. 16 Car.

2. As we deſire removal of thoſe that are Evil, ſo to take into his Council for managing of the great Affairs of this Kingdom, ſuch Officers and Councellors as his People and Parliament may have juſt cauſe to confide in. This is all concerning the third Head.

IIII. The *Fourth Head*, touching the Queen's moſt Excellent Majeſty, which containeth divers Particulars.

1. That his Majeſty be pleaſed, by Advice of his Parliament, to perſuade the Queen to accept ſome of the Nobility, and others of Truſt, into her Majeſty's Service; into ſuch Places as are now in her Diſpoſal.

2. That no Jeſuit, nor any in Orders, what Countrymen ſoever, whether *French* or *Italian*, be received into her Majeſty's Service; nor any Prieſts of his Majeſty's Dominion, *Engliſh*, *Scottiſh*, or *Iriſh*; and that they be reſtrained from coming to the Court.

3. That the Colledge of *Capuchins* at *Sommerſet-Houſe* may be diſſolved and ſent out of the Kingdom. Theſe Two which I laſt mentioned concerning the Queen, Prieſts, Jeſuits, and *Capuchins*, I am commanded to deliver you ſome Particulars for.

1. Publick Danger, and Scandal of this Kingdom, and Peace of the Kingdom.

2. The Diſaffection of ſome of thoſe wicked Conſpirators is expreſs'd in two Letters; which Letters were here read openly.

3. A particular Letter of *Father Phillips* here alſo read.

4. Becauſe of the Prieſts, Jeſuits, and the Colledge, there are divers great Quantities of Gold tranſported frequently.

5. Particular touching the Queen is upon ſpecial Occaſions of his Majeſty's Abſence, That their Lordſhips will be pleaſed to joyn with us to adviſe the King, that ſome of the Nobility, and others of Quality, with Competent Guards, may be appointed to attend the Queen's Perſon, againſt all Deſigns of Papiſts, and of ill-affected Perſons, and of reſtraining reſort thither in his Abſence.

V. The *Fifth Head* concerns the King's Children, That ſome Perſons of Publick Truſt, and well-affected in Religion, may be placed about the Prince, who may take care of his Education, and of the reſt of his Children, eſpecially in matters of Religion and Liberty.

VI. The *Sixth Head* concerneth ſuch as ſhall come into the Kingdom, with Titles of being the Pope's *Nuncio*, that it may be declared, that if any man come into this Kingdom with Inſtructions from the Pope of *Rome*, it be a Caſe of High-Treaſon; and that he be out of the King's Protection, and out of the Protection of the Law. And I am to inform your Lordſhips, That there is notice given upon very good Grounds, that Count *Roſetti* doth yet continue in the Kingdom, and yet reſorts unto the Court.

VII. The *Seventh Head* is concerning the Security and Peace of the Kingdom.

1. That there may be Good Lord-Lieutenants, and Deputy-Lieutenants, and ſuch as may be faithful and truſty, and careful of the Peace of the Kingdom.

An. 1641.

2. That the Train'd-Bands be furniſh'd with Arms, and Powder, and Bullets, and exerciſed, and made fit for Service; and that a ſpecial Oath may be prepared, by conſent of both Houſes, authoriſed by Law; and to be taken by the Lord-Lieutenants, and Deputy-Lieutenants, Captains, and other Officers, ſuch an Oath as may be fit to ſecure us in theſe times of danger.

3. That the Cinque-Ports, and all the Ports of the Kingdom may be put into good Hands; and a Liſt of thoſe in whoſe Charge they now are may be preſented in Parliament, and ſpecial Care taken for the Reparation and Proviſion of thoſe Forts.

4. That my Lord Admiral may inform the Parliament in what caſe his Majeſty's Navy is, which is to be provided for out of Tonnage and Poundage for the Security and Peace of the Kingdom.

VIII. The *Eighth Head*, That his Majeſty be pleaſed to give Directions to his Learned Councel to prepare a general Pardon in ſuch a large manner, as may be for the Relief of his Majeſty's Subjects.

IX. The *Ninth Head* doth concern a Committee of both Houſes, That their Lordſhips would appoint a number of their Members to joyn together, with a proportionable number of this Houſe, who from time to time may conſer upon ſome particular Cauſes, as ſhall be moſt effectual for the common Good.

X. The *Tenth* and laſt Head, That his Majeſty be moved that he would be pleaſed to be very ſparing in ſending for *Papiſts* to Court; and that if any ſhould come without being ſent for, that the Laws be ſeverely put in Execution againſt them: And that the *Engliſh* Ladies that are Recuſants, be removed from Court; and that his Majeſty be moved to give his Aſſent, that the Perſons of the moſt active Papiſts, either *Lords* or *Commons*, may be ſo reſtrained, as may be moſt neceſſary for the Safety of the Kingdom; and that no Penſions be allowed to ſuch *Recuſants* as are held dangerous to the State.

Father *Phillips* ſent for.

The intercepted Letter of Father *Phillips*, mentioned in this Conference, we have recited before in the Month of *May*; but being remembred again upon this Occaſion, occaſioned the Houſe to Order, That *Robert Phillips* (one of the Queen's Prieſts, whom they ſuſpected to be the Writer of this and another dangerous Letter) ſhould be ſent for to attend the Committee in the Afternoon.

Refuſes to come.

The Meſſenger coming to *White-Hall*, and finding him, acquainted him therewith; who ſaid he would go in and eat ſomething, and come preſently and go with him. But by a back Door he went, and acquainted the *Queen* with his being ſent for; and after ſome ſtay, came and told the Officer, That he had been with the Queen, who had commanded him *That he ſhould not go till ſhe had ſpoke with the King*; and that he would obey her Commands before thoſe of the Houſe of Commons. Of which, Information being given to the Houſe, they ſent a Warrant to apprehend him, and bring him forthwith as a Delinquent.

Warrant againſt the Pope's *Nuncio*.

There was alſo a Warrant ſent by the Sergeant at Arms for Count *Roſetti*, the Pope's Nuncio; and to bring him likewiſe before the Houſe; but he abſconded, and could not be found.

June 25. The King conſents to diſband Forces.

The Committee Reported, That his Majeſty conſents to the disbanding of the Five Regiments.

That the *Scots* may alſo retire in ſome Proportion, wiſhing that care be taken of the Honour and Safety of the Kingdom in the disbanding. And alſo they add, That within a day or two the Treaty will be concluded.

The

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The Commiſſioners Names for the County of *Northumberland*, to perfect the Accompts for Billeting and other Buſineſs, concerning the *Scots* Army, are entred at large in the Journal.

Roſetti the Pope's Nuncio ſent away.

The Lords let the Houſe of Commons know, That his Majeſty had received Advertiſement from the *Venetian* Ambaſſador, that *Roſetti* did intend to be gone out of this Kingdom within two or three Days, waiting only for a ſafe paſſage.

Father *Phillips*.

The Serjeant at Arms waiting with his Warrant at *White-hall* to apprehend *Phillips* the Prieſt, the Lord Chamberlain ſent for him, and examined him by what Authority he came within the Verge of the Court to attach any one? who ſhewing his Warrant, his Lordſhip deſired he would truſt him with it to ſhew the King; which the Officer did: And the Lord Chamberlain ſoon after returning, gave this Anſwer: That his Majeſty would ſatisfie the Houſe about it, if *Phillips* did not appear.

He appears.

In the Afternoon the ſaid *Phillips* did voluntarily appear, and was called to the Bar; where having kneeled for ſome time, he was commanded to ſtand up, and endeavoured to excuſe his not coming at firſt, becauſe the Warrant was for *Francis Phillips*, and his Name was *Robert*; beſides, the Queen wiſhed him to ſtay 'till ſhe had acquainted his Majeſty, *&c.* yet underſtanding this Day that the Honourable Houſe was offended, he came of his own accord.

Being examined, he confeſſed the firſt long Letter ſhewed him, to be his own Hand-writing, but denied any knowledge of the other Letter: And was ordered further to attend the Committee.

And ſome time after, the following Articles of Impeachment were exhibited againſt him.

The Impeachment of Father Phillips.

I. THat the ſaid Father *Phillips* hath been obſerved to be a great Cauſe, both in himſelf and his Adherents, of a great part of the Unquietneſs of this State.

II. He, with *Parſons*, and others their Aſſiſtants, were the only Cauſe that the Pope was ſtirred up to ſend Breves to theſe Kingdoms of *England* and *Scotland*, to hinder the Oath of Allegiance, and lawful Obedience of the Subjects to our gracious King, that ſo they may ſtill fiſh in troubled Waters.

III. The damnable Doctrine which he and the other Jeſuites have taught, to deſtroy and depoſe Kings, hath been the cauſe of the Civil Wars like to befall theſe Kingdoms, if God in his Mercy do not prevent it.

IV. They have been the cauſe of the Monopolies projected in this Kingdom, eſpecially concerning *Soap*, the *Foreſt* of *Dean*, and Marking of *Butter-Casks*, where all the Parties were Partners and Confederates with them; as, Sir *Baſil Brook*, Sir *John Winter*, and a Brother-in-Law of the ſaid Sir *John*, that lived in *Worceſter-ſhire*, and Mr. *Ployden*, whoſe Servant, named *Baldwin*, hath been ſeen to deliver to Captain *Read*, a Subſtitute of the Jeſuits, an hundred Pounds at a time to one Jeſuite.

V. Father *Phillips* hath been a great Actor with the Superiour of the Capuchins, who is of a moſt turbulent Spirit, and was ſent thither by Cardinal *Richlieu* of *France*, to be a Spy at this Court for the *French* Faction; and

An. 1641. and hath therefore laboured by all means to breed Diſſentions; for the *French* aim at nothing more, than to make a Schiſm betwixt the *Engliſh* and the *Scots*, that this State might ſo be weakned, and made unable to withſtand them, that ſo they might have an Opportunity to conquer theſe Kingdoms. Theſe unquiet Spirits having acceſs to her Majeſty, may importune things not fit for the State.

VI. The ſaid Father *Phillips* hath been guided by a Grey-Friar, who, by degrees hath intruded himſelf to be a Clerk of her Majeſty's Chappel, and Chaplain Extraordinary in time of Progreſs; who when he is out of *London*, goeth by the Name of Mr. *VVilſon*, but his true Name is *VVilliam Thomſon*, Doctor of Divinity, as ſome Jeſuites have affirmed; but a moſt furious Spirit, and unquiet, and therefore by Nick-name is by ſome called *Cacafugo*; that is as much as if in *Engliſh* you ſhould ſay, *Shit-fire*, by whom Father *Phillips* hath been ſo led, that he hath been very officious to perform whatſoever he would have done. Theſe two have ruled all the Buſineſs concerning the two Kingdoms on the Papiſts Parts, and for the moſt part of *Rome* alſo.

VII. The ſaid Father *Phillips* hath placed many unfit Perſons about her Majeſty, *viz.* Sir *John VVinter* to be her Majeſty's Secretary, Seignior *Georgio* come late Agent from the Pope, his Brother, was by his means admitted to be Servant Extraordinary to the Queen, a Man altogether unfit for that Place, a moſt ſcandalous Perſon, having three Wives, all now alive.

VIII. Sundry Perſons by the ſaid Father *Phillips*, have been admitted to be the Queen's Servants Extraordinary, by ſome ſuppoſed Office or other, as Mr. *Laburn*, *George Gage*, Brother to Colonel *Gage*, both Oratorian Prieſts; the one of the *French* Faction very ſeditious, the other of the *Spaniſh*, whoſe Brother is now left Reſident at *Rome* for them, by his Maſter Mr. *VVilliam Hamilton*, late Agent at *Rome*; *Pendrick* is Sworn Servant Extraordinary to her Majeſty, who is a ſworn *Spaniard* and Intelligencer for *Rome*, in reſpect his Brother is Agent here by Father *Phillips*: Theſe and many others, who are factious and turbulent Spirits, have, by Father *Phillips* his means, received Protection from the Queen's Majeſty.

IX. The ſaid *Phillips* hath been much ruled by Sir *Toby Mathews*, Sir *John Winter*, and Mr. *Walter Montague*.

X. He was very forward with his Complices, for the breaking of the Ice to begin the Treaty here for the Pope's Honours ſake: And when Sir *Robert Dowglas*, and Seignior *Georgio* were nominated, whom he thought moſt fit; Cardinal *Richlieu* was thought fitteſt to be the Man who ſhould direct him to begin the Correſpondency between the Pope and the Queen; and therefore he was ſent into *France* with many Letters, and from thence he was diſpatched for *Rome*, by the Cardinal, where he was received with great Reſpect; and after a *Viatick*, he was diſpatched again for *England*, with ſome few ſmall Gifts, as Pictures, Croſſes, *Agnus Dei*'s, and ſuch like Popiſh Stuff, for Father *Phillips*.

XI. The ſaid Father *Phillips* was the chief Agent in Correſpondency with, and bringing in of Seignior *Georgio Parſons*, the Oratorian Prieſt, by whoſe direction, this Prieſt being at *Paris*, left wearing of Prieſts Cloaths, and went in the Habit of a Gentlemen; and becauſe he had a ſhaven Crown, therefore he wore a Perriwig: And Father *Phillips* directed all thoſe that he ſent, to write to him as to an *Italian* Gentleman, deſirous to ſee theſe Kingdoms: And by Father *Phillips*'s direction, he afterwards came hither, who did here contrive, for the ſpace of two years practiſing great and dangerous Innovations from place to place; and then, having

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having diſpatched his Buſineſs, returns to *Rome* with great Preſents from the Catholicks of the greater ſort.

XII. Whereas it hath pleaſed God to bleſs us with a hopeful Prince, to the Comfort of our King and Kingdom, yet the ſaid Father *Phillips* hath attempted to traduce his tender Years to *Popery*; but *God* hath prevented him his purpoſe: And let us pray to God to preſerve that Royal Race from *Popery*, and the whole Land from all Innovations, that our gracious King may Rule glorioufly, and the whole Land live in peace to the Honour of God, and Comfort of us all. *Amen.*

Saturday, June 26. Penſions to Prieſts and Seminaries.

Ordered, That it be referred to the Committee for the Popiſh Hierarchy, to enquire what Penſions are allowed to *Phillips* and others, for the ſeducing of the Children of Proteſtants, from the true Religion to Popery; and what Penſions are allowed to Seminaries beyond the Seas, and of Prieſts within the Kingdom.

His Majeſty's Anſwer deſired.

Ordered, That his Majeſty be humbly moved to give his gracious Anſwer to the Propoſitions concerning his Majeſty's Journey into *Scotland.*

Scots Commiſſioners.

The *Scots* Commiſſioners acquaint the Houſe, That they having heard as if the Parliament would endeavour to diſſwade his Majeſty from his Royal Intentions of going into *Scotland*; they found themſelves obliged to acquaint the Houſe, That the ſame would be a great prejudice to them, for that they had ſent Proclamation through the Kingdom for his Entertainment, deſiring the Houſe would take it into Conſideration; nevertheleſs they deſired not that he ſhould go 'till things were ſetled here, ſo that it might not be prejudicial unto them, by cauſing ſome Jealouſies amongſt the People there.

Munday, June 28. Sir *W. Savill* diſcharged.

Sir *William Savill* upon his repeated Petition and Submiſſion, was releaſed from the *Tower.*

Petition to ſtay his Majeſty's Journey.

Reſolved, That this Houſe holds it fit to move the Lords to joyn with this Houſe, in Petitioning his Majeſty that he would be pleaſed not to begin his Journey into *Scotland* 'till the 12th of *Auguſt.*

Lords Houſe.

The Houſe of Lords fell upon the *Scottiſh* Affairs, for the ſpeedy diſbanding of five Regiments of the *Scots*, with the five *Engliſh* Regiments. After that, they took up the debate of the two Bills againſt the Star-Chamber and High Commiſſion; and returned the ſaid Bills to the Commons with ſome Amendments; which being again read in the Houſe of Commons, they voted, That from the firſt Day of *Auguſt* next, the ſaid Court of High Commiſſion and Star-Chamber ſhall both ceaſe; and that no Eccleſiaſtical Court ſhould hereafter adminiſter unto any the Oath *ex Officio*, or any other Church-Wardens at their entrance.

High Commiſſion, Star-Chamber, and Privy Council.

June 29. His Majeſty not to go to *Scotland* till *Aug.* 10.

This morning was a Conference betwixt both Houſes; at which the Lords ſhewed, That the *Scots* Commiſſioners deſired his Majeſty might ſet forwards towards *Scotland* the 5th of *Auguſt*; and after ſome Conference with the ſaid Commiſſioners, it was agreed, That his Majeſty ſhould be humbly deſired not to go 'till the 10th of *Auguſt*; and that in the mean time both Armies ſhould be disbanded; and ſome Bills paſſed which are now in hand.

Council-Board.

The Commons proceeded about the *Council-Table*, and the altering of a Clauſe in that Bill; concluding, That the ſame ſhould not intermeddle with Men's Eſtates, nor try Cauſes determinable by Law, but only ſuch matters as ſhould be warranted by the Statutes of this Kingdom for that purpoſe. They alſo had ſome debate about the *Star-Chamber* Bill.

An. 1641.

June 30. Capt. *Pollard* bailed.

A Petition was read in the Houſe of Commons from Captain *Pollard*, one of the Conſpirators in cuſtody, for tampering with the Army, deſiring that he might have liberty to go into the Country under Bail, to ſee his Father, to make his Peace with him, being ſick with Grief, that his Son ſhould have any hand in ſuch a Buſineſs, and threatens to diſinherit him: Upon which, the Earl of *Eſſex* and another Lord profering to be his Bail, it was accepted; and he had leave accordingly.

A Conference whether the Lords might rate themſelves in the Poll-Bill.

The Lords reading the Bill for Poll-Money, ſome Diſſatisfaction aroſe in their Houſe about the inequality of that Tax; and the Biſhops pleaded inability to pay their Firſt Fruits, Tenths, and Subſidies, and that too: Whereupon a Conference was deſired with the Commons; at which, the Lords delivered the Bill back, to have ſome Alterations therein, deſiring they might rate themſelves, and the Commons themſelves: But this was refuſed, as being contrary to the Rule and Practiſe of Parliaments.

Thurſday, July 1. A Conference about the Star-Chamber and High-Commiſſion Court.

The Lords and Commons had a Conference about two Bills remaining in the Lords Houſe: the one for taking away the Court of High-Commiſſion; and the other, to take away the Court of Star-Chamber, and to regulate the Council-Table.

The Lords upon the Reaſons offered by the Commons, were ſatisfied to conſent to paſs the Bill to take away the High-Commiſſion Court, both here and at *York*; but argued to have the Star-Chamber Court not quite taken away, but bounded, limitted, and reduced to what Power it had in *Henry* VII.'s time.

The Court for the *Marches of Wales.*

The Commons had under Conſideration the taking away of the Court of the *Marches of Wales*, as being a great Grievance to the People in thoſe Parts.

July 2. Debate about the method of proſecuting the Judges.

The Commons entred upon the Debate concerning the Judges, as to the way of Trying them; ſome were for having them tryed upon Impeachment before the Lords; others would have them proceeded againſt by Bill, and the Houſe ordered a Bill to be drawn accordingly; but it was declared in the Houſe, That what way ſoever they were proceeded againſt, the Commons might be preſent at the paſſing of Sentence againſt them.

A Conference being this Day held by a Committee of both Houſes in the Painted Chamber, touching the Poll-Bill, and whether the Commons had a Right to ſet the Proportions or Rates therein upon the Peers, Sir *Simon d'Ewes* ſpoke as followeth upon that Subject.

Sir Simon d'Ewes *his Speech concerning the Aſſeſſing of the Peers in the Poll-Bill.*

My Lords;

I Shall humbly crave liberty to ſhew you, That the Houſe of Commons hath done no more in rating and proportioning of theſe particular Summs upon your Lordſhips, than by the ancient Rights and Privileges of Parliament they might; and to ſpeak the Truth, they could in poſſibility do no leſs.

It hath been ſeveral times ſpoken in this place, no leſs Juſtly than Nobly, by ſome of your Lordſhips, That all matters of Supply ſhould originally proceed from the Houſe of Commons; for ſo hath been the Practice of former times in the Ages paſt.

In the Parliament-Roll, *de Anno* 9. *H.* 4. *Numero* 21. when the Peers began but in a ſmall circumſtance to intrench upon this Privilege of the Commons, there aroſe a long and an earneſt Debate upon it; the iſſue of which, produced a full Decla-

Declaration, agreed upon by both Houſes, That matter of Supply muſt firſt proceed from the Grant of the Commons, and then be aſſented unto by the Lords, ſo as if we had ſent up the preſent Bill, either with Blanks for your Lordſhips to have filled them up, or have left you out wholly, to have inſerted your own Degrees and Proportions; (one of which we muſt have done, if we had not proceeded as we did,) it muſt of neceſſity have follow'd, That your Lordſhips, contrary to the undoubted Privilege of the ſame Houſe, had originally granted Aid and Subſidy, and the Commons had but aſſented. 16 *Car.*

Before that time, though not upon ſo great an occaſion, it was declared in Parliament, as appears in *Rotulo Parliamenti, de Anno* 5. *R.* 2. *n.* 16. that the Houſe of Commons are firſt to treat of matter of Supply, to reſolve upon it, and then to communicate their Reſolutions to the Peers. Now, my Lords, our Reſolutions are moſt properly couched in a Bill, ſo as we did tranſmit the preſent Grant of Aid and Supply to your Lordſhips; in the ancient and due form.

But perhaps your Lordſhips will ſay, You queſtion not that general Right we have of granting Subſidies, that it is to receive its Birth and Being from the Houſe of Commons; but that in this particular caſe of Poll-Money, you expect a particular Satisfaction, and much more to ſee it proved, That the Peerage of *England* were ever before rated in ſuch a Bill.

For the firſt, my Lords, this way is an ancient and a known way; it began in the time of the Wiſe and Victorious Prince, King *Edward* III. as appears upon Record in *Rotulo Parliamenti, de Anno* 51. *Ed.* 3. *numero* 19. And I aſſure my ſelf, near upon three hundred years continuance, is able to challenge both Allowance and Imitation from this preſent Age. During the Reign of *R.* 2. his Grandchild, this courſe of raiſing Money by the Poll, was again put in practice as an advantageous and a ſpeedy way, your Lordſhips ſhall find one Example of it in the Parliament-Roll, *de Anno* 4. *Rich.* 2. *n.* 15. being almoſt the ſame with that Rate and Proportion granted in the time of *Edward* III.

But that Record which comes home to this Caſe, and is an *identical Precedent* in the very particular before your Lordſhips, to give you full ſatisfaction, is found in *Rotulo Parliamenti in Parliamento* 2. (the Miſeries at home, and the Calamities abroad, cauſing in one year ſometimes two, ſometimes three Parliaments, in thoſe elder Times) *de An.* 2. *Rich.* 2. *n.* 14. where the Dukes, Earls, and Barons are all particularly Rated; and the Duke of *Bretagne* is there aſſeſſed as a Duke, though he were a free Prince, and had only the Title of Earl of *Richmond* in *England*. Nay, my Lords, the Houſe of Commons at this time hath come far ſhort of the ſame Precedent, in favour of the Noble Ladies; for whereas the Counteſſes-Dowagers were there rated at the ſame Proportions with Earls, and the Widows of Barons, at as high a Rate as the Barons themſelves, we have now eaſed them of two parts of that, and only charged them with the third.

I hope now your Lordſhips have ſeen both Reaſon and Precedent for our Proceedings at this time; you will be pleaſed to believe, That the Houſe of Commons will be as careful and tender of Your Lordſhips Rights and Privileges as of their own.

We know, my Lords, that this is the way to preſerve Peace and Unity between us; which as it is always *expedient*, ſo it is at this time moſt *neceſſary*; for the two Houſes are as the two Arms of the Kingdom; if we hold faſt together, we ſhall be able to do great things, worthy to be tranſmitted to after-Ages; but if we diſ-ſever and diſunite, we may end in Ruine and Calamity.

So much of the Record referr'd unto in this Speech, as concerns the rating of the Nobility and Gentry, is here added, it being preſented thus ready written at the ſame Conference.

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An Ancient Record read in Parliament, touching Seſſing the Peers by the Commons, July 2.

Rot. Parliam. in Parliamento 2. de Ann. 2 Rich. 2. N. 14.

LE Duc de Lancaſtre, & le Duc de Bretaigne, cheſcun a X Marks Cheſcun Conte D' Engleterre iiij l. Cheſcun Counteſſe Veoves en Engle. terre atant come les Countes iiij l. Cheſcun Baron & Baneret ou Chevalier qui puet atant diſpendre xl s. Cheſcun Baroneſſe Veove Paiera come Baron, & Banreſſe come le Baneret xl s. Cheſcun Bachiler & cheſcun Eſquier qui per le Statute deveroit eſtre Chevalier xx s. Cheſcun veove Dame feme de Bachiler ou Eſquier al afferent xx. s. Cheſcun Eſquier de meindre Eſtate vi s. viij d. Cheſcun feme veove de tiel Eſquier, ou Merchant ſuffiſant vi s. viij d. Cheſcun Eſquier nient poſſeſſion de Terres ne Chateux queſt en ſervice ou ad eſte Armes iij s. iiij d.

The King comes to the Lords Houſe to paſs Bills.

The King being moved by both Houſes to give his Royal Aſſent to the Poll-Bill, and the other forementioned Bills concerning the Star-Chamber, High-Commiſſion Court, and Council-Table, his Majeſty came this Day to the Houſe of Lords, and the Commons came up with the Poll-Bill, the other Two Bills lying ready in the Houſe of Peers to paſs alſo. The Speaker at the ſame time preſented the Poll-Bill to his Majeſty, and made this enſuing Speech.

Mr. Speaker's Speech at the paſſing of the Poll-Bill, July 3.

THE Government of this Commonwealth reſts in the Rules of Order, and hath ſo much Affinity and Conſent with the Rules of Nature in the Government of the World, that the firſt Copy and Imitation of the one may ſeem to be taken from the Original and firſt Model of the other.

This Contemplation (moſt Excellent and Gracious Sovereign) caſts our Eyes upon your Sacred Majeſty, as that Celeſtial Orb, which never reſting without the Office of perpetual motion to cheriſh the lower Bodies, not enriching it ſelf with any Treaſures drawn from below, exhales in Vapours from the inferiour Elements, what in due Seaſon it returns in Showers.

The Application makes us conſider our ſelves thoſe Sublunary Creatures, which having their Eſſence and Being from the Influence of thoſe Beams (as the Flowers of the Field) open to receive the Glory of the Sun.

In this Relation both contribute to the common Good: Your Sacred Majeſty, as a nurſing Father, deſigned to beſtow on your People, the Bleſſings of Peace and Unity; and we, as the Children of Obedience, return our Duties and Affections in Aids and Tributes, and this Kingdom compacted in one Body, by the Ligaments of Religion and Laws, hath been the Object of Admiration to the whole World.

Amidſt the Diſtractions of Foreign Nations, we only have ſat under the ſhadow of our Vines, and drank the Wines of our own Vintage.

But your crafty Adverſaries, perceiving that the ſtedfaſt Profeſſion of our own Religion, and the firm Obſervation of our Laws, have been the Pillars of our Proſperity, by ſubtle Inſinuation, pretending a Politick Neceſſity to admit of a Moderation in our Religion to comply with Foreign Princes, and ſuggeſting it a Principle in the Rules of Sovereignty, to require and take, not ask and have, that it muſt *poſtulare* by Power, not *petere* by Laws, have brought theſe Miſeries of War and Calamity between Nation and Nation, and put us in the Poſture of Gaze to the whole World.

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But when we behold your Sacred Majeſty, deſcended from the Royal Loyns of that Glorious King, which by his Wiſdom and Policy, firſt ingrafted the White Roſe and the Red upon the ſame Stock, and ſheathed the Sword that pierced the Bowels of ſo many of the Nobility, and was glutted with the Blood of the People; and then laid the firſt hopes of the happy Union between the Nations.

When our Thoughts refreſh themſelves with the happy Memory of that Religious King, your Gracious Father, on whoſe Sacred Temples both Diadems were placed, wreathed about with this Motto, *Faciam eos in gentem Unam.* We cannot but believe that God and Nature (by a Lineal Succeſſion from thoſe Fathers of Peace) hath ordained you that *Lapis Angularis*, upon which the whole Frame ſettles, and hath put into the Hands of your Sacred Majeſty the poſſibility and power to firm and ſtabliſh this happy Union between your Kingdoms, and ſo to raiſe to your Memory a Statute of Glory and Wiſdom, from Generation to Generation.

In all this length of time, the aſſurance of this Union and Peace hath been the chief Object of our Deſires; and our Purſes have been as open as our Hearts; both contributing to this great Work, manifeſted by ſo many Subſidies already preſented, ſufficient in our firſt Hopes for the full Perfection.

But finding that fail, we have again adventured upon your Peoples Property, and in an old and abſolute way, new burniſht by the Hand of inſtant Neceſſity, expreſſed to the World, the Hearts of a Loyal People; and howſoever gilded with a new Name of Tranquility and Peace to your Kingdoms, that with more eaſe the People may digeſt the bitterneſs of this Pill, yet our Hearts had the ſame Aim and Object.

A Gift ſuitable to the neceſſity of ſo vaſt extent, that time cannot parallel it by any Example.

And by which, if your Sacred Majeſty vouchſafe your Royal Aſſent; which we humbly pray, we ſhall not doubt you may ſoon accompliſh thoſe happy Effects, that may preſent your Wiſdom the Object of Wonder, and your Policy to be admired amongſt the Nations.

The King at this time only paſſed the Poll-Bill.

The Houſe of Commons, after their return to the Houſe, were much diſſatisfied that his Majeſty did not paſs the ſaid Two Bills to take away the Star-Chamber, and High-Commiſſion Courts; and upon the Fifth of *July* entred into debate of the ſame, but were interrupted therein by the Uſher of the *Black Rod*, who came and told the Houſe, that the King expected them, being come to give his Royal Aſſent to the ſaid Two Bills. At which time his Majeſty made this following Speech.

The Houſe much diſcontented the King's not paſſing the Two other Bills.

His Majeſty's Speech at the paſſing the Two ſaid Bills, July 5.

I Am come to do the Office, which I did defer on *Saturday* laſt, to give determination to theſe Two Bills; but before I do it I muſt tell you, that I cannot but be very ſenſible of thoſe Reports of Diſcontent, that I hear ſome have taken for my not giving my Conſent on *Saturday*. Methinks it ſeems ſtrange, that any one ſhould think I could paſs Two Bills of that Importance as theſe were, without taking ſome fit time to conſider of them; for it is no leſs than to alter, in a great Meaſure, thoſe Fundamental Laws, Eccleſiaſtical and Civil, which many of my Predeceſſors have eſtabliſhed, *&c.*

If you conſider what I have done this Parliament, diſcontent will not ſit in your Hearts; for I hope you remember that I have granted, That the Judges hereafter ſhall hold their Places *Quam Diu bene ſe geſſerint*. I have bounded the Foreſts, not according to my Right, but according to late Cuſtoms.

I have eſtabliſhed the Property of the Subjects, as witneſs the free giving, not taking away of Ship-money.

I have eſtabliſhed, by Act of Parliament, the Property of the Subject in Tonnage and Poundage, which never was done in any of my Predeceſſors times; I have granted a Law for a Triennial Parliament; and given way to an Act for the ſecuring of Moneys, advanced for the diſbanding of the Armies: I have

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given free courſe of Juſtice againſt Delinquents: I have put the Laws in execution againſt Papiſts.

Nay, I have given way to every thing that you have asked of me; and therefore, methinks, you ſhould not wonder if in ſome things I begin to refuſe; but I hope it ſhall not hinder your progreſs in your great Affairs, and I will not ſtick upon trivial Matters, to give you content. I hope you are ſenſible of theſe beneficial Favours beſtowed on you at this time.

To conclude, you know by your conſent, there is a prefixed time ſet for my going into *Scotland*, and there is an abſolute neceſſity for it. I do not know but that things may ſo fall out, that it may be ſhortned; therefore I hope you will haſten the diſpatching of thoſe great Buſineſſes that now are neceſſary to be done, and leave trivial and ſuperficial Matters to another meeting.

For my part I ſhall omit nothing that may give you juſt Contentment, and ſtudy nothing more than your Happineſs; and therefore I hope you ſhall ſee a very good Teſtimony of it, by paſſing theſe Two Bills.

LE ROY LE VEULT.

This being done, his Majeſty ſaid as followeth.

I have one Word more to ſpeak unto you, and take now an occaſion to preſent that unto both Houſes, whereby, I hope, all the World ſhall ſee, that there is a good underſtanding between me and my People.

The King concerning the Prince Elector Palatine.

It is concerning my Nephew, the Prince *Elector Palatine*; who having deſired me and the King of *Denmark* to give conſent to a Writing concerning the Dyet at *Ratisbone*, with the Emperor, I could not but ſend my Ambaſſador to aſſiſt him; though I am afraid I ſhall not have ſo good an Anſwer as I expect: which my Nephew foreſeeing, hath deſired me, for the better countenancing of the ſame, to make a *Manifeſt* in my Name; which is a thing of great Conſequence: And if I ſhould do it alone, without the Advice of my Parliament, it would rather be a Scorn than otherwiſe. Therefore I do propoſe it unto you, that if you will adviſe me to it, I do think it were fit to be publiſhed in my Name.

A *Manifeſt* to be made in favour of the Prince Palatine.

The ſaid *Manifeſto*, and the Debates, and Reſolutions that paſs'd thereupon in Parliament, were as follow.

His Majeſty's Manifeſt.

CHARLES, By the Grace of God, King of *Great Britain*, *France*, and *Ireland*, Defender of the Faith, *&c.* To all to whom this preſent *Manifeſt* ſhall come, greeting.

To the end that the Endeavours of our late dear Father, King *James* of bleſſed Memory, and our own Proceedings ſince his Death, in the Cauſe of our dear and only Siſter, Brother-in-law, and Nephews, Electors, and Princes Palatine of the *Rhine* may not be forgotten, or pretendedly unknown, wherein we have ſtudied and laboured nothing more than the Peace of Chriſtendom, and the avoiding the *Effuſion of Innocent Blood*, by ſeeking the *reſtitution, and re-eſtabliſhment* of the Electoral Houſe Palatine, in their ancient Rights, Dignities, and Poſſeſſions within the Empire, out of which they have *been by Violence, and force of Arms*, and other undue Proceedings, expelled and baniſhed, contrary to the ancient Laws and Conſtitutions of the ſacred Empire: We have thought fit, for the the vindication of our own Honour, to call to mind, and to publiſh to all the World, both a ſummary Relation of our Actions and Endeavours paſt, and our preſent Reſolutions in the ſame Cauſe.

It cannot be unknown to all the Princes and Eſtates of *Europe*, and more particularly to thoſe who have had any intereſt or relation to the *Publick Affairs of* Germany, how both our Self, and our Father, have, during theſe 20 Years paſt, by many and ſeveral Ambaſſages, Treaties and other Negotiations, to our great Expence and Charges, both with the *late Emperor* Ferdinand, the *King of* Spain, and other Princes and Eſtates of the Empire, endeavoured by all friendly and *treata-*

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ble Means, to *procure the reſtitution and re-eſtabliſhment of our ſaid dear Siſter, Brother-in-law, and Nephews,* in their ancient Rights and Poſſeſſions, as the only and poſſible way to ſettle a good and firm Peace in the Empire, and conſequently with all Princes intereſſed therein: without which it is impoſſible to expect or hope for a good, durable, and honeſt Pacification of thoſe Troubles which have already, almoſt, rent, conſumed, and involved all the Princes of Chriſtendom in a moſt bloody and deſtructive War.

And for a clear demonſtration of our ſincere Intentions, not only our own pious Inclination, and care of the publick Peace, hath induced us to omit divers occaſions, whereby we might by ſuch Power as God hath put into our Hands, have prevented the Violences and Oppreſſions uſed to our *ſaid Siſter and Nephews*; but we have been led on, and invited thereunto by divers Promiſes, Aſſurances, and ſeveral Letters, both from the late Emperor, and King of *Spain*, and other Uſurpers of the Inheritances of the Electoral Houſe *Palatine, that they would at laſt in contemplation of our Mediation, hearken and incline to a juſt and honeſt Peace, by the reſtitution of the Eſtates and Dignities of our dear Siſter and Nephews*, whereby we have been drawn, not only to paſs by our own, and the publick Intereſt, and to forbear to engage our Arms in ſo juſt a Cauſe, but alſo have procured by our Fathers, and our Authority, the withdrawing and *diſbanding of the Forces of Count* Mansfelt *out of the Palatinate*, and advanced divers Truces and Ceſſations of Hoſtility or Defence, *only to prepare the way of amicable Compoſition*, according to the Hopes and Promiſes to that end given us, and particularly have cauſed the Surrender and *Depoſition of ſome places of ſtrength into the Hands of the late* Infanta *of* Spain, *upon reciprocal Aſſurances of a final Pacification or Reſtitution.*

But what *Effects* all theſe our Peaceable and Chriſtian Endeavours have produced, and how all our pious Negotiations have been either *delayed or deluded*, thereby: and by proceſs of time to root and eſtabliſh the Uſurpations of the Houſe *Palatine*, and *our Patience and Piety thereby abuſed*, is ſo manifeſt by the continued oppreſſion of our ſaid dear Siſter and Nephews, that we are forced to proteſt that there hath nothing ſucceeded, either to our Deſires or Hopes, but a Reſolution of deſpair of ever obtaining by the ways of Juſtice, Treaty, or Amity, that which hath been ſo often promiſed to, and expected of the Lovers of Chriſtian Peace.

Notwithſtanding we have lately received Advice from our dear *Uncle the King of* Denmark, that at laſt, by his Mediation and Procurement, the preſent Emperor, and Duke of *Bavaria*, have condeſcended to a Treaty to be held at the *Dyet at* Ratisbone, upon the *ſixth day of* May *laſt paſt*, for the reviewing and the reſettling of the Controvreſies of the Houſe *Palatine*, as a preparation and inducement to a general Peace and Amneſty through the whole Empire: And that he, with ſome of the Electors of the Empire, is accepted as Mediator of the ſaid Cauſe, and hath received ſtrong and pregnant Aſſurances of a better Inclination and diſpoſition toward the re-eſtabliſhment of the *Electoral Family* in their Rights and Dignities: And to that end *hath procured convenient ſafe Conduct from the Emperor to our Nephew and his Brethren*, freely to *come in Perſon*, or to ſend *their Deputies to that Dyet* at the time and place appointed; with all other Clauſes requiſite for their Safeties, going, abiding, or coming from thence; and there to plead the Juſtice of their own Cauſe: And that in Proſecution thereof, he hath inſtructed and diſpatched his Ambaſſadors to aſſiſt either in Perſon, or by the Deputies of our Nephews, at the ſaid Treaty of Pacification; and hath deſired us herein to comply with him by *ſending our Ambaſſadors qualified and inſtructed* to the ſame purpoſe of procuring a good and ſettled Peace within the Empire, according to the intimation of the Princes Electors, ſignified to him by their Letters, thereby *deſiring us to aſſiſt in the preſent Aſſembly at* Ratisbone.

To which end, *Our Nephew, the Prince Elector* Palatine, *having reſolved, by our Counſel and Advice, to ſend his Deputies according to the Invitation and Hopes*, intimated of a good Iſſue to be expected by the amicable way of Treaty and Compoſure.

We have alſo thought fit not to be wanting to ſo good a Deſign, ſo concurrent to our own, and the Deſires of ſo many Princes, and in ſome Hope of better Fruits than hitherto all our Endeavours have produced, have reſolved to make this our laſt Tryal by the way of Treaties, and to ſend *our Ambaſſador to the*

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the Emperor, and other Princes in the ſaid Dyet aſſembled: And to that purpoſe have given him *full Power and Inſtructions to contribute all our Authority to the procurement and ſettlement of a good and bleſſed Peace*, by the re-eſtabliſhment and reſtitution of the Poſſeſſions and Dignities of our ſaid dear Siſter, Nephews, and Electoral Family; without which no Peace can be either honeſt or ſecure: Hereby exhorting and deſiring all other Kings, Princes, and States, our Friends, Allies, and Confederates, who ſhall either be preſent at the ſaid Dyet, or ſhall have their Ambaſſadors, or Deputies there, that they will be aſſiſting to the Juſtice of ſo good a Cauſe, and to ſo great a Bleſſing, as the reſtoring of Peace to the almoſt deſolate Eſtate of *Germany*.

But becauſe *We may have juſt Cauſe to doubt*, by many Experiences of our former Endeavours, that the Iſſue and Fruit of this meeting may not be anſwerable to our juſt Expectation; but rather *that it may produce contrary Effects*, to the prejudice of the Juſtice and Rights of our ſaid Nephews and their Family (which God forbid) we are hereby forced to proteſt againſt all Acts, Sentences, Concluſions or Determinations whatſoever, which ſhall or may be had, made, or declared, either in confirmation of the Oppreſſions and Uſurpations paſt, or any Additions thereunto for the future, as invalid, and of no Power or Effect.

In which Caſe (being contrary to our Deſire and Expectation) *we alſo further proteſt and declare*, That we will not abandon, neither our own, nor the publick Intereſt, nor the Cauſe, Rights, and juſt Pretences of our dear Siſter and Nephews, and other Princes and States involved within their Oppreſſions. But that we *will uſe and employ all ſuch Force and Power wherewith God hath enabled us*, both by own Arms, and the help and aſſiſtance of all our Allies and Friends, to vindicate our own Honour, the publick Peace, and redreſs of the Injuries, Uſurpations, and Oppreſſions of our ſaid deareſt Siſter and Nephews, and their Illuſtrious Family.

And hereby as we do profeſs to uſe all our Endeavour and Power to promote a happy and deſired Peace, for the conſolation of the diſtreſſed Empire; ſo we do appeal to Almighty God, the Inſpector of the Hearts of all Princes; and to the World, the Spectator of all our juſt Actions, that we will be innocent before God and the World, of all the Evils that may enſue, if theſe our laſt Hopes ſhall be delayed or abuſed.

The ſaid *Manifeſt* concerning the reſtitution of the Elector Palatine Family, having been ſeriouſly conſidered by both Houſes; they, together, came to his Majeſty in the Banquetting Houſe, on the Twelfth of *July*; where the Lord Keeper delivered the ſaid Houſes Opinion and Reſolution in this manner:

'YOur Majeſty in your Royal Perſon was pleaſed to recommend this *Manifeſt*, touching the *Palatine Cauſe*, to be read in full Parliament, and to be adviſed of by both Houſes.

'Both the Houſes have ſeriouſly conſidered of it, and have commanded me to preſent theſe their humble Advices unto your *Sacred Majeſty*, 'which are expreſſed in this Declaration, which hath paſſed the Votes 'of both the Houſes, and which I am commanded to read unto your 'Majeſty.

Die Mercurii, 7 Julii, 1641.

The Parliament's Votes touching this *Manifeſt*.

RESolved upon the Queſtion, That this Houſe doth approve of his Majeſty's Pious Intentions in the behalf of his Royal Siſter, and his Nephew, the Prince Elector Palatine, and the reſt of the Princes of that Family, and of the publiſhing this *Manifeſt* to that purpoſe; and that this Houſe will be ready to give his Majeſty ſuch Advice and Aſſiſtance therein by Parliament, as ſhall ſtand with the Honour of his Majeſty, and the Intereſt and Affections of this Kingdom, if the preſent Treaty ſhall not ſucceed.

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Die Sabbathi 10. *Julii*, 1641.

RESOLVED in like manner upon the Question by the House of Peers, That they do concur in this Vote with the House of Commons.

I am likewise commanded to present the humble Desires of both the Houses of Parliament.

That your Majesty will be pleased to recommend this *Manifest* to the *Parliament* of *Scotland*, to have the Concurrence of that Kingdom.

Thus much was delivered by the Speaker of the House of Peers, both Houses then attending his Majesty in the Banquetting-House at *White-Hall*. To which his Majesty was graciously pleased to make them this

ANSWER:

'WE take very thankfully the concurrent Advices of both the 'Houses of Parliament, in so great and pious a Work, declared 'in these Votes and Resolutions, which you have read unto us.

'We will also take care to recommend this *Manifest* unto the Parlia-'ment in *Scotland*, to have the Concurrence of that Kingdom; which we 'doubt not but they will perform.

A Speech delivered by Sir Simon D'Ewes, July 7. 1641. *in the* Palatine *Cause*, &c.

Sir,

WE have during this *Parliament*, fallen upon the Debate of the greatest, and most important Affairs concerning our own good and welfare at home, that ever were agitated and discussed at one meeting in the House of Commons. And we are at this present, by the gracious invitation of his Royal Majesty, expressed in his most just *Manifest* read unto us, resolved to take into Consideration the most sublime, and most difficult Business of the Christian World abroad; which hath for the space of above twenty years last past, drawn all the Kingdoms and States of *Europe*, into an immediate or mediate Engagement: In which there hath been twenty pitcht Battels fought, a Million of Men, Women, and Children destroyed by the Sword, by the Flames, by Famine, and by Pestilence; and that sometimes populous and fertile Empire of *Germany*, reduced to a most extream and calamitous desolation. I have, in those few spare Hours I could borrow yesterday, from the publick Service of the House, recollected some particulars, which may conduce to the clearing of this great Cause, being drawn out of the Autographs themselves, or out of our Records at home, or out of the Writings of our very Adversaries, and others abroad. I shall therefore begin at the Original it self, of the never enough to be lamented loss of the Prince *Palatine*'s Dominions, and *Electoral* Dignity; that so we may take along with us, in our intended Disputes; not only our Affections, but our Consciences. It is therefore very manifest, to all that are but meanly vers'd in the Cabinet Affairs of Christendom; that the *Jesuits* have consulted for many years last past, as well before as since the furious Wars of *Germany*, by what means to ruin the *Evangelical Princes* and *Party* there. Their chief aim hath been so to divide the Protestant Princes amongst themselves, as they might be made use of each against other, for the ruine each of the other. The first occasion that offered it self within our Memories, was the Pretences of several Competitors to the Dukedoms of *Cleve* and *Juliers*, and they failed but a very little to have executed their intended Design upon that Occasion. But their Hopes failing in it, they apply themselves integrally to *Ferdinand* of *Austria*, Duke of *Gratz*, a Prince, not long since, so poor, and of so mean a Consideration to add the weight of but one Grain to the down-balancing of the Affairs of Christendom, as his Name was scarce heard of.

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They find him a fit Subject for them to work upon, having from his Cradle been bred up in an extream hatred of the Proteſtant Party, who profeſſed the truth. They reſound nothing into the Ears of the old Emperor *Matthias*, but his Couſin *Ferdinand*'s high Merits; ſo as he paſſing by his own natural Brothers, and the Head of his Houſe, the *Spaniſh* King adopts *Ferdinand* of *Gratz* for his Son, ſo to prepare a way to make him the Succeſſor of his Scepter, Crown, and Purple.

Then were the ſacred *Dyets* of the *Empire*, the ancient means to reconcile Differences, and prevent Jealouſies, as often diſſolved *abortively*, as call'd *inſincerely*. Rumours were ſpread of Practices and Deſigns againſt the Proteſtant Princes and Cities: And that thoſe Rumors might not vaniſh in Smoak, the Liberties of the great and ancient City of *Strasburgh* were oppreſt. The Proteſtant Princes ſeeing Materials and Engines on every ſide, prepared for their ruin, were neceſſitated to meet at *Hailbrun*, and there to conclude an Union amongſt themſelves.

This gave the *Jeſuits* an aſſured hope of making *Germany* ſpeedily miſerable by a calamitous War; for not only the *Pontifician* Princes, took the opportunity to ſettle a Catholick League as they call'd it, among themſelves: but alſo the *Elector* of *Saxony*, like a true *Pſeudo-Lutheran*, neither Proteſtant nor Papiſt, ſhews as good an Affection to the Catholick League, as the Evangelick Union. The old Emperor *Matthias*, begins now to act his part, and the *Jeſuits* ſpur on their ready Scholar, *Ferdinand* of *Gratz*, to aſcend the bloody Theater they had ſo long deſigned him. Through the old Emperor's Interceſſion, abuſing the *Bohemian Proteſtants* Credulity, with ſug'red Flatteries, and large Promiſes, he is admitted to the Crown of that rich Kingdom; which ſoon after made way for him unto the Crown of *Hungary* alſo. The *Jeſuits* and the *Spaniard* did now only want a fair occaſion to begin a War in *Germany*. The Emperor *Matthias* labours with the Proteſtant Princes to diſſolve their Union; which not taking Effect, the Biſhop of *Spiers* is encouraged under-hand to pick a quarrel with the Prince *Elector Palatine*, and to build a *ſtrong Fortreſs*, upon his Neighbours Territories, *pretending he had right to that Plot of Ground*, upon which the ſaid Fortreſs was raiſed; but an higher Providence did not ſuffer this Spark to ſet *Germany* on fire, though it had been kindled at the Prince *Elector*'s own Door (to affront and provoke him;) for he, by an incredible Celerity, did cauſe the ſaid Fortreſs to be demoliſhed before the Enemy could fit and furniſh it for his intended uſe; which made him ſit ſtill and ſtudy for a new occaſion; which that it might not be long wanting, the Liberties and Priviledges of the *Proteſtants* in *Bohemia*, contrary to their new King *Ferdinand*'s Oath, were temerated; and by that means, in the year 1619, the greater part of the Eſtates of that Kingdom, were neceſſitated, after mature deliberation, to abdicate him, and to elect *Frederick, Prince Elector Palatine* for their King.

And thus are we arrived at that ſad Period of time; upon which ſo many Fatalities have enſued, in which we may ſee evidently, that the Prince Elector *Palatine* was not caſually guilty of any part of that Ocean of Blood that hath been ſince ſpilt in *Germany*, as the Pontifician ſide pretend he was. The Scene was long before prepared by the Enemies of the Truth; and the Kingdom of *Bohemia* was filled with Arms and Hoſtilities divers Months before his accepting of that Crown; when himſelf laboured, by an earneſt Mediation, to have given a peaceable iſſue to thoſe bloody beginnings. It was the Honour and Greatneſs of that *matchleſs Princeſs*, that he gained here, and the conſiderable Succours they expected from hence, that eſpecially drew the *Bohemians* to that choice. It therefore concerns us now at length, to provide that the Prince Elector himſelf, and the other *Princely Branches of that Family* (being the ſecond without queſtion, if not the firſt, and moſt ancient of the Empire) extracted by their laſt Match, from the Royal Line of *Great Britain*, ſhould not under colour of their Father's accepting that Crown, to which they now pretend no Title, be for ever deſpoiled of their ancient Inheritance, the Electoral Dignity: To which Calamity they had never been reduced, had not the *French* King at that time forgotten the old Maxim of his Predeceſſors, which was to keep even the balance of *Germany*, to which alſo did moſt fatally concur, the Duke of *Bavaria*'s Ambition, betraying his own Blood, and the Duke of *Saxony*'s taking of Arms againſt the *Evangelical Party*. By this means, and the advancing of *Spinola* with the *Spaniſh* Army out of the *Netherlands*, was not only the King-

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dom of *Bohemia* loſt in a few Months, but the *Palatinate* alſo (excepting ſome few places of ſtrength inveſted by the Enemy) and that poor People left to ſlaughter, calamity, and deſolation. The Correſpondence of ſome *ill Miniſters of this State abroad*, with thoſe of Foreign States here, aſſiſted by ſome fatal Inſtruments at home, furthered all this *Miſchief* at the inſtant, putting this *ſtate in hope of a Match*; when Supplies ſhould rather have been ſent from hence, to have preſerved, at leaſt, the *Electoral Territories* from an invading Power. It is true, that the *Spaniſh Match* had been generally treated of, ſome five or ſix years before this fatal Fire kindled in *Germany*, being firſt ſet on *foot* by the Duke of *Lerma*, under *Philip of Auſtria*, the late King of *Spain*; but now it was effectually advanced and fortified with a conjoyn'd Treaty of accommodating the *Palatine* Cauſe without effuſion of Blood. This and much more appears in the Original Journal Books of the Two Houſes of Parliament, in *An.* 21. *Jacobi Regis*, which I have ſo far peruſed, as ſo ſhort a time would give leave; and though that matters are there ſet done at large, eſpecially in the Records of the Houſe of Peers, yet I have abſtracted it into ſo narrow a Compaſs, as may well ſort with the little ſpare time of this Houſe to hear it. The Relation was firſt made at *White-Hall*, during that Parliament, in the preſence of the greater part of both the ſaid Houſes, on *Tueſday*, *Feb.* 24. And it was afterwards reported upon *Friday* the 27*th* day of the ſame Month next enſuing, in the Lord's Houſe, by the then Lord-Keeper, and in the Houſe of Commons by Sir *Richard Weſton*, at that time Chancellor of the Exchequer. It is there at large ſet forth, that his Majeſty's Royal Father, having had ſeveral fair Promiſes from the Emperor *Ferdinand* II. and the King of *Spain*, of a peaceable reſtitution of the *Palatinate*, cauſed not only ſuch conſiderable Forces, as were then remaining in *Germany*, under the Prince *Elector*'s *Enſigns*, to disband; but procured alſo ſome places of ſtrength in the *Palatinate it ſelf*, to be ſurrendred and conſigned over in truſt to the late *Infanta of Spain*. But in the year 1622. our late Royal Sovereign, King *James*, upon his Embaſſador's return from *Bruxels*, having diſcovered the Emperor's Intentions to be full of Inſincerity and Deceit, wrote his Princely Letters, bearing date at *Hampton-Court*, *Octob.* 3. 1622. to the (then and ſtill) Earl of *Briſtol*, his Majeſty's extraordinary Embaſſador in *Spain*, to let him know that he now perceived little Sincerity in all the *Spaniſh King*'s Promiſes, for the peaceable reſtitution of the *Palatinate*, by whoſe only means he had ſuffered the ſame to be loſt to the Emperor; and that therefore he ſhould preſently preſs that King, either to give a full and direct Anſwer under his Hand and Seal, for the reſtitution thereof; or elſe to joyn his Arms with his Majeſty, againſt the Emperor, for the recovery of the ſame. But this matter, as it further appears by the original Journal Books of the Lords Houſe, being either not throughly preſſed, or notably diſſembled, ſo many Delays enſued one upon the Neck of another; as in the iſſue it drew his Royal Majeſty, then Prince of *Wales*, to undertake that dangerous and remote Journey unto that Nation, which hath been the long and hereditary Enemy of *England*. This Journey was chiefly undertaken by ſo great a Prince, to put an end, one way or other, to that unfortunate Treaty; and his ſtay in *Spain* ſo long, did caſually proceed from his earneſt deſire to have effected a peaceable reſtitution of the *Palatinate*; and therefore I doubt not, but he ſhall now live to verifie that excellent and heroick Expreſſion, which he made to the *Conde de Olivarez*, a little before his coming out of that Kingdom,

Look for neither Marriage nor Friendſhip, without the reſtitution of the Palatinate.

And I aſſure my ſelf, that the Force and Power of great *Britain*, which was lately, by ſubtile and wicked Inſtruments divided againſt it ſelf, being now united in one again, will be able to effect ſuch great and conſiderable Actions, as ſhall render his Majeſty's Name and Reign glorious to all Poſterity. The Two Houſes of Parliament, at that time received the before-mentioned Declaration, with ſo much Reſentment, as having firſt rendred Glory to God, that had ſo ſeaſonably diſcovered the *Spaniſh Frauds*, and next their humble Acknowledgments to their then Gracious Sovereign, for requiring their Counſels in a buſineſs of ſo great Importance, they did unanimouſly adviſe him to break off the ſaid Two Treaties, touching the Marriage, and the reſtitution of the *Palatinate*; engaging no leſs, than their Perſons and Purſes, for the recovery of the

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then *Prince Elector's ancient and hereditary Dominions.* It appears alſo in the Original Journal-Book of this Houſe, *De Anno* 1. *Caroli*, that this great Buſineſs was again taken into conſideration, but was finally intombed with other matters of great Moment, by the fatal and abortive Diſſolution of that Parliament. Therefore this great Council of the Kingdom, did in thoſe two former Parliaments, account the reſtitution of this Illuſtrious and Princely Family to be of ſuch great neceſſity for the preſerving of true Religion abroad, and ſecuring our ſelves at home, as to engage themſelves for an aſſiſtance therein; certainly we may upon much better grounds undertake the ſame now, when I aſſure my ſelf, we may go as far with a Thouſand Pounds for the preſent, as we could have done with Ten thouſand at that time: For let us but take a ſhort view of the Eſtate of Chriſtendom, what it was then, and what it is now, and we ſhall eaſily perceive a great alteration in the balance thereof.

In *France* where Monſieur *de Luynes* did then rule all, being himſelf acted by the Pope's Legate, that King, contrary to the Examples of *Francis* the Firſt, *Henry* II, and of *Henry* the Great, his own Father, and contrary to the Maxims and Intereſt of that State, and his own ſafety, advanced the formidable Power and ſpreading Greatneſs of the Houſe of *Auſtria*: But now the *ſame* French *Kings Eyes have been ſo opened*, that, ſhaking off that former unhappy ſlumber he was in, *he hath by his Arms and Power, to his immortal Honour and Glory for divers years laſt paſt*, endeavoured *to reſtore again that Liberty to the* German *Empire*, in the ruin of which himſelf had ſo fatally before concurred.

The *Swedes* were then involved in ſeveral Wars or Jealouſies with the *Pole*, and enforced to keep at home to defend their own; *but now have a ſtrong Army*, and poſſeſs divers places of important Conſequence within the very Bowels of the Empire.

The Epiſcopal Electors with the other Pontificial Princes and Prelates, the ſworn Enemies to the Proteſtant Religion, were then rich and Potent, but ſince moſt of their Countries and Territories have taſted of the ſame Calamities of War, which they had formerly brought upon their Neighbours; ſo as now they are moſt of them ſcarce able to defend their own, much leſs to offend any other.

The *Pſeudo-Lutheran* Elector of *Saxony*, that is cauſally guilty more than any other ſingle Perſon living, of all thoſe Calamities and Slaughters which have for ſo many Years waſted *Germany*, and was then ſo liberal of his Treaſure, and ſo forward with his Arms to ancillate to the Emperor's Deſigns, to the almoſt utter ſubverſion of the true Religion in *Germany*, is now after the reiterated temeration of his Faith and Promiſes, *the fatal Surviver of the ſeveral devaſtations of his own Country and Dominions*: So as all thoſe vaſt Difficulties and great Dangers, which might well have retarded the forwardneſs of thoſe Two former Parliaments; the firſt being held in the Twenty ſecond year of his Majeſty's Royal Father; and the latter in his own firſt year, being now removed, we have greater Encouragements then ever to concur with our Sacred Sovereign in the aſſerting this his moſt Juſt and Princely *Manifeſt*.

For mine own part I expect no good Iſſue of the preſent *Treaty at the Dyet of* Ratisbone. *I know the Duke of* Bavaria's *Ambition too well*, ever to imagine that he will part with thoſe large Revenues; and much leſs with the Septemviral Dignity and Suffrage he hath obtained by the Prince Elector's Calamity and Misfortune; unleſs it be extorted *from him by force of Arms.* My humble Advice therefore is, that we ſend up to the Lords to deſire a ſpeedy Conference with them; in which we may acquaint their Lordſhips how far we have proceeded in our Approbation of his Majeſty's moſt Royal *Manifeſt*, and to move them to concur unanimouſly with us therein.

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A Speech upon the firſt Days Debate, concerning the Palatinate *by Sir* Benjamin Rudyard.

Mr. Speaker,

THis great Affair of the *Palatinate* concerns this Kingdom in Nature, in Honour, in Reaſon of State, in Religion.

We all know how near in Blood the Prince Elector is to his Majeſty.

Many of us here know, what ſolemn Proteſtation hath been made in this place for the recovery of the *Palatinate*, by which we are bound in Honour to purſue it with our beſt aſſiſtance.

God hath ſo framed the Powers of man, and ſo ordered the courſe of things in this World, as that in all Actions, right Reaſon, and true Religion may well hold, and go a great way together.

If we conſider Religion according to reaſon of State, we ſhall find that Chriſtendom divides it ſelf into Two ſides; with the Pope, againſt the Pope. His Majeſty is the greateſt King of the Religion, and therefore fitteſt to be the Head of that Party; which will add a greater Greatneſs to him than can be gotten any other way.

The means of it are, firſt, To preſerve Religion ſound and entire within his own Kingdoms at home: Next, To unite the homogenial parts of it, Pieces of the ſame, together by Alliances, by Confederations abroad.

The good Effect of this *German* Match was loſt by the ill Counſels of thoſe times: It will be an Honour to us to repair it by better.

The reſtoring of the Prince Elector to his Territory and Dignity, will reſtore Religion there, will ſtrengthen it, nay encreaſe it further in *Germany*; which Conſideration is of a great and vaſt Conſequence, proportionable to the greatneſs and vaſtneſs of that Countrey. It will likewiſe refreſh and comfort the needful Heart of that moſt Noble, Vertuous, and Magnanimouſly ſuffering Queen of *Bohemia*, his Majeſty's Siſter, his Highneſs Mother, who is ever to be highly and tenderly regarded by this Houſe, by this Kingdom.

This is a fit Conjuncture of time to begin it in, whilſt the King of *Spain* hath ſo much to do of his own, as he is not able to afford his uſual Aids to the Emperor, which probably may induce the Emperor to abate of former Reſolutions.

That which is now propounded is only a *Manifeſt*, to expreſs and declare our Zeal and Heartineſs to the Cauſe, thereby to give it Countenance and Reputation in the preſent Dyet at *Ratisbone*. Reputation, in matters of State, doth many times prevail as much as ſubſtance.

His Majeſty's Father of bleſſed Memory, and Himſelf, have for many Years mediated and treated with the ſucceſſive Emperors, by all fair and amicable ways. They have been deluded, they have been neglected: It behoves us, Mr. Speaker, to be Engliſhly ſenſible of the Injuſtice, of the Indignity.

Wherefore my humble Motion is, that the Houſe will be pleaſed preſently to name a ſelect Committee, to compoſe a Declaration ſuitable to the importance of the Cauſe.

Another Speech upon the ſecond Day, concerning the Palatinate, *by Sir* Benjamin Rudyard, *at a Committee of the whole Houſe.*

Mr. *Whitlock,*

IF we may do the Prince Elector good by our good Word, I hope we ſhall not ſtick to afford it him. A word ſpoken in due ſeaſon is worth more than Gold and Silver at another time.

His Majeſty's Ambaſſador is *now at the Dyet at* Ratisbone, where the Emperor and other Princes, are by Friendly Treaties endeavouring to make up the Breaches of *Germany*. If this opportunity be omitted, his Highneſs Affairs will be exceedingly caſt behind hand.

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It is true, that our Treaties heretofore have not been proſperous; the reaſon hath been, becauſe of the unhappy diſtance between the King and his People, which brought a diſvalue upon this Kingdom abroad. But now, when the World ſhall take notice of the good underſtanding between his Majeſty and his Subjects, by an earneſt and ſolemn joyning of the whole Parliament with his Majeſty's Declaration, the Propoſitions coming from hence, will carry with them more weight, more Authority; which is the way to redeem our Engagement at an eaſie rate, to ſave thoſe great Charges which ſome do ſo much fear.

If we ſhould be backward in this great Work, we ſhall cancel the Obligations of Nature, of Honour, of Reaſon, of State, of Religion which bind us to it.

Wherefore, Mr. *Whitlock*, my humble Motion is, That we may draw up a ſhort and round *Manifeſt*, to wait upon and affirm the King's Declaration, to be ſtill managed by advice of Parliament, which will be ſafe for our ſelves, and more powerful and effectual for the Prince Elector.

Mr. Denzil Hollis's *Speech to the Lords, concerning the ſettling of the Queen of* Bohemia, *and her Electoral Family, in their Right and Inheritance, with reſtitution for their Sufferings*, July 9. 1641.

My Lords,

THE Knights, Citizens, and Burgeſſes of the Houſe of Commons have commanded me to let your Lordſhips know, that they have taken into their ſerious Conſideration his Majeſty's Propoſal to them of the *Manifeſt*: in which he is graciouſly pleaſed to declare his pious Intentions concerning his Royal Siſter, the Prince *Palatine* her Son, and the reſt of the Electoral Family.

They do with all humbleneſs acknowledge his Majeſty's Favour, in communicating unto them any part of his Royal Thoughts, and asking their Advice and Counſel in a Buſineſs that doth ſo nearly concern him, as needs muſt the Happineſs; nay, the Subſiſtence of theſe diſtreſſed Princes, of ſo glorious an Extraction, their Veins being enriched with the ſame Blood, that is, from ſo Royal Anceſtors, derived with Glory into his Sacred Perſon.

And in that Relation, the Houſe of Commons looks upon them with an Eye of tenderneſs, wiſhing that every drop of that Princely Blood may ever be illuſtrated with Honour and Happineſs: That his Majeſty may be crowned with this Bleſſing, to ſee nothing but Glory in himſelf and all that belong unto him.

To hear then, that theſe Princes, ſo nearly allied unto the King, ſhould ſuffer that which is ſo unworthy of them; inſtead of Honour, of Greatneſs to find Oppreſſion; inſtead of a Fortune anſwerable to their Birth and Relation, to have their ancient Patrimony torn from them, and detained by a hand of Violence, is a thing which makes our Ears to tingle, and our Hearts to riſe within us.

My Lords, The Loyal Subject of *England* is ſo well tuned in a ſweet agreeing Harmony to the Perſon of his Prince, that he is affected with the leaſt touch upon any part of the Princely Offspring, and anſwers it inſtantly with a ſound proportionable; if it be good and pleaſant, with joy and exultation; if harſh and diſpleaſant, with Sorrow and Lamentation; but a Sorrow not womaniſh and fatuant, but accompanied with Indignation, and vigorous magnanimous Reſolution, to be avenged upon whoſoever dare give offence to our Royal Sovereign.

This then is enough to make us zealous for the redreſs of the Prince Elector's Wrongs, to deſire (with impatience) to ſee him re-inveſted in his rightful Poſſeſſions, were there nothing elſe to move us to it, but our Love and Affection, and our Duty to the King.

But, *My Lords*, There is yet another Motive, which hath a ſtrong irreſiſtable Operation with us; and it is the conſideration, how much this is of importance to the good of Religion, the advancement of the Proteſtant Party, and redeeming many Souls from their Antichriſtian Bondage; which hath a double Aſpect, and relates to us, not only as we are Fellow-members with them of the true Church, which obliges us to a care and defence of them, and gives us an aſſurance of a Reward in Heaven; but doth more particularly concern us in point of Policy and Reaſon of State, by ſupporting our Allies, to advance this Kingdom to the higheſt pitch of Greatneſs and Reputation, to make us formidable abroad to the Enemies of our Church and State, and ſo enjoy Peace, and Safety, and Tranquillity at home.

For,

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For, my Lords, the Proteſtant Religion, and this Kingdom, are like *Hippocrates*'s Twins, that muſt both live and die together.

It is madneſs to think this State can ſubſiſt, if Religion be ſubverted; and as great a madneſs to think our Religion can continue here, if we ſuffer it to be deſtroyed and eradicated out of the neighbour Countries; which can no more be (that is, our Religion and this Kingdom be preſerved) when our neighbours of the ſame Religion and Belief with us, be conſumed, than a Fort can hold out, when all the Out-works be taken; or the Heart preſerved, when a Gangrene hath ſeiz'd on the outward Parts of the Body.

My Lords, as the true Religion is in Truth, the Heart of *England*, which gives it life, and makes it flouriſh with ſtrength and power; ſo is *England* (in a Politick reſpect) the Heart of the Proteſtant Religion in all the other Parts of Chriſtendom; and upon occaſion, muſt ſend out ſupply into all the neighbouring Countries, profeſſing the ſame Religion with it; which (to be themſelves in ſafety) muſt be under the Protection of this Fort, under Contribution to this Garriſon.

And on the other ſide, if theſe Countries be one after another Invaded and Poſſeſſed by the Enemies of our Religion, that great Tye of Religion between us, and thoſe Bonds will be diſſolved, which only can unite and ſtrengthen our mutual Affections and Relations; as if they get one Part, their Appetite will encreaſe ſoon to ſwallow up another.

Firſt, the *Palatinate*; then the other Ports of *Germany*; afterwards the *Low-Countries*; and then let us think in what condition *England* will ſtand; It will be left as a Cottage in a Vine-yard; as a Lodge in a Garden of Cucumbers; as a Beſieged City, when all the Defences are gone; it will ſoon fall to be a Prey of the Enemy.

My Lords, this Conſideration likewiſe works with the Commons of *England*; and as the Wiſe Man is to have his Eyes in his Head, and look before him; ſo they do look before them, and had rather ſee this Evil met half way, than ſtay till it come to them; rather ſee the eating Gangrene of the *Auſtrian* Ambition in *Germany*, than tarry till it ſeize upon the Vital Parts of this Iſland, and the death of Religion inevitably follow.

This Buſineſs took up a ſerious Debate, and after much time, and many Arguments ſpent upon the Subject, the Knights, Citizens, and Burgeſſes aſſembled in Parliament, came to this Reſolution, which was here read. This they have commanded me to repreſent unto your Lordſhips, and deſire your Lordſhips will joyn with them in a Tender of the like Advice unto His Majeſty, in Approbation of his Royal intendments.

And likewiſe, That His Majeſty may be moved in the Name of both Houſes, to recommend this Buſineſs unto his *Parliament of Scotland*, to have the conſent and furtherance of that Kingdom: that as we be Brethren in mutual Affection, in an equal Tye of Duty and Allegiance unto the King our Soveraign; ſo we may be Brethren alſo in the ſame tender Care, and loving Zeal, for the good and ſupport of His Majeſty's Kindred, and their Reſtitution, with their ancient Inheritance, and the ſafety of the Reformed Churches.

This day alſo Sir *Benjamin Rudyard* delivered a Meſſage from His Majeſty to the Commons, concerning the Queen Mother, *viz. That His Majeſty deſired her departure, if Moneys could be obtained for ſending her away; and that leſs than Ten thouſand Pounds would not ſuffice for that purpoſe:* Whereupon it was concluded by the Commons, that there ſhould be ſo much Money preſently paid out of the Poll-Money, for the ſpeedy ſending her away.

And accordingly, in *Auguſt* following, ſhe departed this Kingdom, and not long after this Life; which is thus Related by Mr. *Sanderſon*:

Queen Mother goes out of *England*.

'*Mary de Medicis*, Queen Dowager of *France*, having been here a 'chargeable Gueſt, till the entrance into our much Miſery (a Fate that 'followed her where e'er ſhe came, as if this unfortunate Princeſs had al-'ways carried ill Luck in her Company) took her leave, with the good 'liking of King and People; who was conveyed over to *Holland* by the 'Earl of *Arundel*, appointed by His Majeſty to wait upon her, and to re-

'main

An. 1641 'main beyond the Seas during Pleaſure, which laſted to her Death, at 'Cologne in *Germany*, whither that Queen, after ſome ſhort ſtay in *Hol-* 'land, retired; and there alſo this Great Princeſs, overwhelm'd with 'Miſeries and Old Age, and in a Condition of Melancholy, fell ſick, and 'dyed in the Nature of an Exile, whilſt Cardinal *Richelieu*, whom ſhe 'had raiſed ſo high, ſtood faſt in the Favour of the King her Son, ha- 'ving the intire Adminiſtration of Affairs, and ſlighted her Misfortunes.

July 6. The Judges Charged.

The Committee for the Judges making their Report, the Charges againſt the Judges were Read in the Houſe of Commons; and by them Ordered to be ſent up to the Lords; upon the delivery of which the following reſpective Speeches were made to their Lordſhips.

The Speech of William Pierpoint, *Second Son to the Right Honourable the Earl of* Kingſton, *againſt Sir* Robert Berkley *Kt. one of the Juſtices of the* King's Bench; *at a Conference of both Houſes in the* Painted Chamber, July 6. 1641.

My Lards,

Mr. *Pierpoint's* Speech againſt Judge *Berkley*, *July 6.*

I Am Commanded to preſent to your Lordſhips theſe Articles, with which the Knights, Citizens, and Burgeſſes of the Commons Houſe of Parliament, in their own Name, and in the Name of all the Commons of *England*, Impeach Sir *Robert Berkley*, one of the Juſtices of His Majeſty's Court of *King's Bench*, in Maintenance of their Accuſation of High-Treaſon, and other Great Miſdemeanours. They deſire that the Articles may be Read: *Which was done by Mr.* Newport.

Articles of Impeachment of Sir Robert Berkley *Kt. one of the Juſtices of the Court of* King's Bench, *by the Commons in this preſent Parliament Aſſembled, in their own Name, and in the Name of all the Commons of* England, *in Maintenance of their Accuſation; whereby he ſtandeth Charged with High-Treaſon, and other Great Miſdemeanours.*

Articles againſt Judge *Berkley.*

Imprimis, THat the ſaid Sir *Robert Berkley*, then being one of the Juſtices of the ſaid Court of *King's Bench*, hath Traiterouſly and Wickedly endeavoured to Subvert the Fundamental Laws and Eſtabliſhed Government of the Realm of *England*; and inſtead thereof to introduce an Arbitrary and Tyrannical Government againſt Law, which he hath declared by Traiterous and Wicked Words, Opinions, Judgments, Practices and Actions, appearing in the ſaid Articles enſuing.

II. Whereas by the Statute made in the Five and twentieth Year of the Reign of the late King *Henry* the Eighth, Prizes of Victuals are appointed to be Rated, in ſuch manner, as in the Statute is Declared: But it is manifeſt, by the ſaid Statute, Corn is none of the Victuals thereby intended. Nevertheleſs, ſome ill Affected Perſons, endeavouring to bring a Charge upon the Subjects, contrary to Law, did ſurmiſe, that the Prizes of Corn might be Rated in ſuch manner, and ſet according to the Direction of that Statute, and thereupon great Gain might be raiſed to His Majeſty, by Licenſes and Diſpenſations, for ſelling Corn at other Prizes: And a Command from His Majeſty, being procured to the Judges, and ſent to them by *William Noy* Eſq; His Majeſty's then Attorney General, to deliver their Opinions touching the Queſtion, whether

16 *Car.*

whether Corn was ſuch Victuals as was intended, to have the Price Rated within the ſaid Statute: In Anſwer to ſuch Demand, the ſaid Sir *Robert Berkley*, then being one of His Majeſty's Juſtices of the Court of *King's Bench*, in furtherance of the ſaid Unlawful Charge endeavoured to be Impoſed, as aforeſaid, the Thirtieth Day of *November*, in the Eighth Year of His now Majeſty's Reign, did deliver his Opinion, That Corn was ſuch Victual, as was intended to have the Price Rated within the ſaid Statute; which ſaid Opinion was contrary to Law, and to the plain ſenſe and meaning of the ſaid Statute; and contrary to his own knowledge, and was given and delivered by him, with a Purpoſe and Intention, that the ſaid unlawful Charge might be impoſed upon the Subject.

III. That an Information being preferred in the Court of *Star-Chamber* by the ſaid *William Noy*, His Majeſty's then Attorny General, againſt *John Overman*, and Fifteen other Soap-makers, Defendants, Charging them with ſeveral pretended Offences, contrary to divers Letters Patents and Proclamations, touching the making and uttering Soap, and uſing the Trade of Soap-makers, and other Offences in the ſaid Information mentioned; whereunto the Defendants did Plead and Demurr as to part, and anſwer to other part of the ſaid Information: And the ſaid Plea and Demurrer being over-ruled; for that the Particulars therein inſiſted upon, would appear more fully after Anſwer and Proof; therefore the Defendants were ordered to Anſwer without Prejudice, and were to be admitted to ſuch Exceptions to the ſaid Information and Advantages of the matter of the Plea and Demurrer, upon the hearing, as ſhould be material; and accordingly the Defendants did put in their Anſwers, and ſet forth ſeveral Acts of Parliament, Letters Patents, Charters, Cuſtoms, and Act of Common Council of the City of *London*, and other matters materially conducing to their Defence; and in Concluſion Pleaded not Guilty. The ſaid Sir *Robert Berkley*, then being one of the Juſtices of the Court of *King's Bench*, upon the Thirtieth of *March*, in the Eighth Year of his Majeſty's now Reign, upon an Order of Reference to him and others, by the ſaid Court of *Star-Chamber*, to conſider of the Impertinency of the ſaid Anſwers, did Certifie the ſaid Court of *Star-Chamber*, that the whole Anſwers, excepting Four Words, and the Ten laſt Lines, ſhould be expunged, leaving thereby no more Subſtance of the ſaid Anſwers, than the Plea of not Guilty. And after, upon a Reference to him and others, by Order of the ſaid Court, of the Impertinency of the Interrogatories, and Depoſitions of the Witneſſes taken on the Defendant's Part, in the ſame Caſe; the ſaid Sir *Robert Berkley*, upon the Second day of *May*, in the Eighth year of his now Majeſty's Reign, Certified, that Nine and thirty of the ſaid Interrogatories, and the Depoſitions upon them taken, ſhould be ſuppreſſed, with the Anſwers (except as aforeſaid) although the ſame did contain the ſaid Defendants moſt material Defence; yet were the ſame expunged and ſuppreſſed, according to the ſaid Certificates; both which ſaid Certificates were contrary to Law and Juſtice, and contrary to his the ſaid Sir *Robert Berkley's* own knowledge, and contrary to the ſaid former Order; whereby the Advantages were ſaved to the Defendants, as aforeſaid: And by Reaſon thereof, the ſaid *John Overman*, and the ſaid other Fifteen Defendants, were Sentenced in the ſaid Court of *Star-Chamber*, to be committed Priſoners to the *Fleet*, and diſabled from uſing their Trade of Soap-makers, and one of them Fined in a thouſand five hundred Pounds; two of them in a thouſand Pound a piece; four of them in a thouſand Mark a-piece; which Fines were

Eſtreated

An. 1641. Eſtreated into the Exchequer without any mitigation: And the ſaid Defendants, according to the ſaid Sentence, were impriſoned and deprived of their Trade and Livelihood, tending to the utter Ruin of the ſaid Defendants, and to the overthrow of free Trade, and contrary to the Liberty of Subjects.

IV. That he the ſaid Sir *Robert Berkley*, then being one of the Juſtices of the King's-Bench, and having taken an Oath for the due Adminiſtration of Juſtice, according to the Laws and Statutes of this Realm, to his Majeſty's Liege People, on or about the laſt of *December*, ſubſcribed an Opinion, *in hæc verba*. [*I am of Opinion, that as where the benefit doth more particularly redound to the Good of the Ports or Maritime Parts (as in Caſe of Pyracy or Depredations upon the Seas) there the Charge hath been, and may be lawfully impoſed upon them, according to the Precedents of former times: So where the Safety and Good of the Kingdom in general is concerned, and the whole Kingdom in danger (of which his Majeſty is the only Judge) there the Charge of the Defence ought to be born by all the Realm in General: This I hold agreeable both to Law and Reaſon.*

V. That he the ſaid Sir *Robert Berkley*, then being one of the Juſtices of the Court of King's-Bench, and duly ſworn as aforeſaid; in *February* 1636. ſubſcribed an Extrajudicial Opinion in anſwer to Queſtions, in a Letter from his Majeſty, *in hæc verba*.

CHARLES REX,

'WHen the Good and Safety of this Kingdom in general is concern-
'ed, and the whole Kingdom is in danger, Whether may not the
'Kings, by Writs under the Great Seal of *England*, command all the Subjects
'of this Kingdom, at their Charge, to provide and furniſh ſuch number
'of Ships, with Men, Victuals and Munition, and for ſuch time as he ſhall
'think fit, for the Defence and Safeguard of the Kingdom from ſuch Peril
'and Danger; and by Law compel the doing thereof in caſe of Refuſal
'or Refractarineſs? And whether in ſuch Caſe, is not the King the Sole
'Judge, both of the danger, and when and how the ſame is to be pre-
'vented and avoided?

C. R.

May it pleaſe your Moſt Excellent Majeſty;

'WE have, according to your Majeſty's Command, ſeverally every
'Man by himſelf, and all of us together, taken into ſerious Con-
'ſideration the Caſe and Queſtion, ſigned by your Majeſty, and incloſed
'in your Royal Letter: And we are of opinion, That when the Good
'and Safety of the Kingdom in general is concerned, and the whole
'Kingdom in danger, your Majeſty may by Writ, under the Great Seal
'of *England*, command all the Subjects of this your Kingdom, at their
'Charge, to provide and furniſh ſuch number of Ships, with Men, Vi-
'ctual and Munition; and for ſuch time as your Majeſty ſhall think fit,
'for the Defence and Safeguard of the Kingdom from ſuch Danger and
'Peril; and that by Law your Majeſty may compel the doing thereof in
'caſe of Refuſal or Refractarineſs: And we alſo are of Opinion, That
'in ſuch Caſe your Majeſty is the Sole Judge, both of the Danger, and
'when and how the ſame is to be prevented and avoided.

'*John Bramſton, John Finch, Humphrey Davenport, John Denham, Ri-*
'*chard Hutton, William Jones, George Crook, Thomas Trevor, George*
'*Vernon, Robert Berkley, Francis Crawley, Richard Weſton.*

VI. That

VI. That he the ſaid Sir *Robert Berkley*, then being one of the Juſtices of the Court of King's-Bench, and duly ſworn as aforeſaid, did on the deliver his Opinion in the Exchequer-Chamber a- 16 *Car.* ginſt *John Hampden*, Eſq; in the Caſe of Ship-money, that he the ſaid *John Hampden*, upon the matter and ſubſtance of the Caſe, was chargeable with the Money then in queſtion: A Copy of which Proceeding and Judgment, the Commons of this preſent Parliament have delivered to your Lordſhips.

VII. That he the ſaid Sir *Robert Berkley*, then being one of the Juſtices of the Court of King's-Bench, and one of the Juſtices of Aſſize for the County of *York*, in *Lent* 1636. did deliver in his Charge to the Grand-Jury, *That it was a lawful and inſeparable Flower of the Crown, for the King to command, not only the Maritime Counties, but alſo thoſe that were Inland, to find Ships for the defence of the Kingdom.* And then likewiſe falſely and maliciouſly affirmed, That it was not his ſingle Judgment, but the Judgment of all his Brethren, witneſſed by their Subſcriptions: And then alſo ſaid, That there was a Rumour, that *ſome of his Brethren* that had ſubſcribed, were of a contrary Judgment: But it was a baſe and unworthy thing for any to give his Hand contrary to his Heart; and then wiſhed for his own part, that his *Hand might rot from his Arm* that was guilty of any ſuch Crime, when as he knew that Mr. Juſtice *Hutton*, and Mr. Juſtice *Crook*, who had ſubſcribed, were of a contrary Opinion, and was preſent when they were perſuaded to ſubſcribe; and did ſubſcribe for Conformity, only becauſe the major number of the Judges had ſubſcribed. And he the ſaid Sir *Robert Berkley*, then alſo ſaid, That in ſome Caſes, the Judges were *above an Act of Parliament*; which ſaid malicious Words were uttered, as aforeſaid, with intent and purpoſe to countenance and maintain the ſaid unjuſt Opinions, and to terrifie his Majeſty's Subjects that ſhould refuſe to pay Ship money, or ſeek any Remedy by Law, againſt the ſaid unjuſt and illegal Taxation.

VIII. That whereas *Richard Chambers*, Merchant, having commenc'd a Suit for Treſpaſs and falſe Impriſonment againſt Sir *Edward Bromfield*, Knight, for impriſoning him the ſaid *Chambers* for refuſing to pay Ship-money, in the time that the ſaid Sir *Edward Bromfield* was Lord-Mayor of the City of *London*; in which Suit the ſaid Sir *Edward Bromfield* did make a ſpecial Juſtification: The ſaid Sir *Robert Berkley* then being one of the Juſtices of the Court of King's-Bench, in *Trinity* Term laſt, then ſitting on the Bench in the ſaid Court, upon debate of the ſaid Caſe, between the ſaid *Chambers* and Sir *Edward Bromfield*, ſaid openly in the Court, That there was *a Rule of Law, and a Rule of Government*; And that many things which might not be done by the Rule of Law, might be done by the Rule of Government; and would not ſuffer the Point of the legality of Ship-money to be argued by the ſaid *Chamber*'s Council; all which Opinions, Declarations, Words and Speeches, contained in the Third, Fourth, Fifth, Sixth, Seventh, and Eighth Articles, are deſtructive to the Fundamental Laws of this Realm, the Subject's Right of Property, and contrary to former Reſolutions in Parliament, and to the *Petition of Right*; which Reſolutions of Parliament and Petition of Right were well known to him, and Reſolved and enacted when he was the King's Serjeant at Law, and Attendant in the Lords Houſe of Parliament.

IX. That he the ſaid Sir *Robert Berkley*, then being one of the Judges of the Court of King's-Bench, and being in Commiſſion of the Peace, and duly ſworn to execute the Office of a Juſtice of the Peace in the County of *Hertford*, on or about the ſeventh of *January* 1638. at which time the General Seſſions of the Peace for the ſaid County were there

An. 1641. holden, the ſaid Sir *Robert Berkley*, then and there ſitting on the Bench, did revile, and threaten the Grand-Jury, return'd to ſerve at the ſaid Seſſions, for preſenting the removal of the *Communion-Table* in *All-Saints* Church in *Hertford* aforeſaid, out of the place where it anciently and uſually ſtood, and ſetting it Altar-wiſe, againſt the Laws of this Realm, in that Caſe made and provided, as an Innovation in matters concerning the Church; the ſaid Grand-Jury having delivered to them in Charge at the ſaid Seſſions, by Mr. Serjeant *Atkins*, a Juſtice of Peace of the ſaid County of *Hertford*, that by the Oath they had taken, they were bound to preſent all Innovations concerning Church matters. And he the ſaid *Robert Berkley*, compelled the Fore-man of the Jury to tell him who gave him any ſuch Information, and thereby knowing it to be one *Henry Brown*, one of the ſaid Grand-Jury, he asked the ſaid *Brown*, how he *durſt meddle with Church Matters*; who affirming that in the ſaid Charge from Mr. Sergeant *Atkins*, the ſaid Jury was charged to do; he the ſaid Sir *Robert Berkley*, told the ſaid *Brown*, he ſhould therefore find Sureties for his Good Behaviour; and that he the ſaid Sir *Robert Berkley* would ſet a great Fine on his Head, to make him an Example to others; and thereupon the ſaid *Brown* offered ſufficient Bail, but he the ſaid Sir *Robert Berkley* being incens'd againſt him, refuſed the ſaid Bail, and committed the ſaid *Brown* to Priſon, where *he lay in Irons* till the next Morning, and uſed to the ſaid *Brown*, and the reſt of the *Jurors*, many other reviling and terrifying Speeches; and ſaid, He knew no Law for the ſaid Preſentment, and told the ſaid *Brown*, That he had *ſinned* in the ſaid Preſentment; and he compelled the ſaid Grand-Jurors to ſay that they were ſorry for what they had done in that Preſentment, and bid them to trample the ſaid Preſentment under their Feet, and cauſed *Brown* to tear the ſaid Preſentment in his ſight: And he the ſaid Sir *Robert Berkley*, when as *John Houland*, and *Ralph Pemberton*, late Mayor of *St. Albans*, came to deſire his Opinion on ſeveral Indictments againſt *John Brown*, Parſon of *St. Albans*, and *Anthony Smith*, Vicar of *St. Peters* in *St. Albans*, at the Quarter-Seſſions held at the ſaid Town of *St. Albans*, on the the 24*th* of *June*, 1639, for the removal of the Communion-Table out of the uſual Place, and not adminiſtring the Sacrament according to Law in that Caſe provided. He the ſaid Sir *Robert Berkley* then told them, That ſuch an Indictment was before him at *Hartford*, and that he quaſhed the ſame, and impriſoned the Promoters: by which threatning and reviling Speeches, unjuſt Actions and Declarations, he ſo terrified the Jurors in thoſe parts, that they durſt not preſent any Innovations in the Church Matters, to their great Grief and Trouble of their Conſciences.

And whereas ſeveral Indictments were preferred againſt *John Brook*, Parſon of *Yarmouth*, by *John Ingram*, and *John Carter*, for refuſing ſeveral times to adminiſter the Sacrament of the Lord's Supper to them without any lawful Cauſe, at the Aſſizes held at *Norwich* in 1633. he the ſaid Sir *Robert Berkley* then being one of the Judges of the Aſſize, proceeded then to the Tryal on the ſaid Indictment, where the matter in Iſſue being, That the ſaid *Brook* refuſed to adminiſter the ſaid Sacrament, becauſe the ſaid *Ingram* and *Carter* would not receive Tickets with their *Sir-names before their Chriſtian-Names*; which was a Courſe never uſed amongſt them, but by the ſaid *Brook*. He the ſaid Sir *Robert Berkley* did then much diſcourage the ſaid *Ingram*'s Councel, and over-rule the Cauſe for matter of Law, ſo as the Jury never went from the Bar, but there found for the ſaid *Brook*. And the ſaid Sir *Robert Berkley* bound the ſaid *Ingram* to the Good Behaviour for proſecuting the ſaid Indictments; and

and ordered him to pay Coſts to the ſaid *Brook* for wrongfully indicting him. And whereas the ſaid *Carter*, not expecting the Tryal at the ſame Aſſizes he preferred his Indictment, was then abſent; whereupon the ſaid Sir *Robert Berkley* did cauſe to be entred upon the ſaid Indictment, a *Vacat quia non ſufficiens in Lege*; and ordered an *Attachment* againſt the ſaid *Carter*; which ſaid Proceedings againſt the ſaid *Ingram* and *Carter*, by the ſaid Sir *Robert Berkley*, were contrary to Law and Juſtice, and to his own knowledge. 16 *Car.*

X. That the ſaid Sir *Robert Berkley*, being one of the Juſtices of the Court of King's-Bench, and duly ſworn as aforeſaid, in *Trinity* Term, 1637. deferred to diſcharge or bail *Alexander Jennings*, Priſoner in the Fleet, brought by *Habeas Corpus* to the Bar of the ſaid Court, the return of his Commitment being, that he was committed by two ſeveral Warrants, from the Lords of the Council, dated the 5*th* of *November*, 1636. the firſt being only read in Court, expreſſing no Cauſe; the other for not paying Meſſengers Fees; and untill he ſhould bring a Certificate, that he had paid his Aſſeſſment for Ship-money in the County of *Bucks*: but remitted him. And in *Michaelmas* Term after, the ſaid *Jennings*, being brought by another *Habeas Corpus* before him as aforeſaid, and the ſame returned; yet he the ſaid Sir *Robert Berkley*, refuſed to diſcharge or bail him, but remitted him. And in *Eaſter* Term, after ſeveral Rules were given for his Majeſty's Councel to ſhew Cauſe why the ſaid *Jennings* ſhould not be bailed; a fourth Rule was made for the ſaid *Jennings*, to let his Majeſty's Attorney-General have notice thereof; and notice was given accordingly; and the ſaid *Jennings* by another *Habeas Corpus*, brought to the Bar in *Trinity* Term after, and the ſame Return, with this Addition of a new Commitment of the 4*th* of *May*, ſuggeſting that he the ſaid *Jennings*, had uſed divers ſcandalous words in derogation and diſparagement of his Majeſty's Government: He the ſaid *Jennings*, after ſeveral Rules in the end of the ſaid *Trinity* Term, was again remitted to Priſon: And he the ſaid Sir *Robert Berkley* did on the fifth of *June* laſt, defer to grant his Majeſty's Writs of *Habeas Corpus*, for *William Pargiter*, and *Samuel Danvers*, Eſquires, Priſoners in the *Gate-Houſe* and in the *Fleet*: And afterwards having granted the ſaid Writ of *Habeas Corpus*, the ſaid *Pargiter*, and *Danvers* were, on the eighth of *June* laſt, brought to the Bar of the ſaid Court, where the Returns of their Commitments were ſeveral Warrants from the Lords of the Council, not expreſſing any Cauſe; yet he the ſaid Sir *Robert Berkley*, then ſitting in the ſaid Court, deferred to bail the ſaid *Pargiter* and *Danvers*, and the eighteenth of *June* laſt, made a Rule for a new Return to be received; which was returned the 25*th* of *June* laſt, *in hæc verba*.

'WHereas his Majeſty finding that his Subjects of *Scotland*, have, 'in a rebellious and hoſtile manner, aſſembled themſelves together, 'and intend, not only to ſhake off their Obedience unto his Majeſty, 'but alſo as Enemies to invade and infeſt this his Kingdom, to the danger 'of his Royal Perſon, *&c.*

'For prevention whereof his Majeſty hath, by Advice of his Council-'Board, given ſpecial Commandment to all the Lord-Lieutenants of 'all the Counties of this Realm, appointed for their Rendezvouz in their 'ſeveral and reſpective Counties, there to be conducted and drawn toge-'ther into a Body for this Service. And whereas his Majeſty, according 'to the Laws and Statutes of this Realm, and the conſtant Cuſtom of 'his Predeceſſors, Kings and Queens of this Realm, hath power for

An. 1641. 'the Defence of this Kingdom, and reſiſting the Force of the Enemies 'thereof, to grant forth Commiſſions under his Great Seal, to ſuch fit 'Perſons as he ſhall make choice of to array and arm the Subjects of 'this Kingdom, and to compel thoſe who are of able Body, and of able 'Eſtates, to arm themſelves; and ſuch as ſhould not be able of Bodies, 'but of ability of Eſtate, to aſſeſs them according to their Eſtates, to 'contribute towards the Charge of arraying and arming others, being 'able of Body, and not able in Eſtate to arm themſelves. And ſuch 'Perſons as ſhould be contrariant, to commit to Priſon, there to remain un-'til the King ſhould take further order therein.

'And whereas the Earl of *Exeter*, by Virtue of his Majeſty's Commiſ-'ſion to him directed, for the arraying and arming of a certain number 'of Perſons in the County of *Northampton*, hath aſſeſs'd *William Par-'giter*, being a man unfit in Body for that Service, but being of Eſtate 'and ability, fit to contribute amongſt others, to pay the Sum of five 'Shillings toward the arraying and arming of others of able Bodies, and 'wanting Ability to array and arm themſelves.

'And whereas we have received Information from the ſaid Earl, that the 'ſaid *Will. Pargiter*, hath not only in a wilful and diſobedient manner refuſed 'to pay the ſaid Money, aſſeſſed upon him towards ſo important a Service, 'to the diſturbance and hinderance of the neceſſary defence of this King-'dom, but alſo by his ill Example hath miſled many others, and as we 'have juſt Cauſe to believe, hath practiſed to ſeduce others from that 'ready Obedience which they owe, and would otherwiſe have yielded 'to his Majeſty's juſt Command, for the publick defence of his Perſon 'and Kingdom, which we purpoſe with all convenient ſpeed to enquire 'further of and examine.

'Theſe are therefore to will and require you to take into your Cu-'ſtody the Perſons of the ſaid *William Pargiter*, and *Samuel Danvers*, 'and them ſafely to keep Priſoners till further Order from this Board, 'or until by due Courſe of Law they ſhall be delivered.

Yet he the ſaid Sir *Robert Berkley*, being deſired to bail the ſaid *Pargiter* and *Danvers*, remitted them, where they remained Priſoners till the ninth of *November* laſt, or thereabouts; although the ſaid *Jennings*, *Pargiter*, and *Danvers*, on all and every the ſaid Returns, were clearly bailable by Law, and the Council of the ſaid *Jennings*, *Pargiter*, and *Danvers*, offered in Court very ſufficient Bail: And he the ſaid Sir *Robert Berkley*, being one of the Juſtices of the Court of King's-Bench, denyed to grant his Majeſty's Writs of *Habeas Corpus* to very many others his Majeſty's Subjects; and when he had granted the ſaid *Writs* of *Habeas Corpus* to very many others his Majeſty's Subjects, and on the return no Cauſe appeared, or ſuch only as was clearly bailable by Law; yet he remanded them, where they remained Priſoners very long: Which ſaid deferring to grant the ſaid Writs of *Habeas Corpus*, and Refuſals and Delays to diſcharge Priſoners, or ſuffer them to be bailed, contained in this Article, are deſtructive to the Fundamental Laws of this Realm, and contrary to former Reſolutions in Parliament, and to the Petition of Right, which ſaid Reſolutions and Petition of Right were well known to him the ſaid Sir *Robert Berkley*, and were reſolved on and enacted, when he was the King's Sergeant at Law, and Attendant in the Lord's Houſe in Parliament.

That whereas there was a Cauſe depending in the *Court Chriſtian* at *Norwich*, between *Samuel Booty*, Clerk, and *Collard*, for Two Shillings in the Pound, for Tythes, for Rents and Houſes in *Norwich*; and the ſaid *Collard*, moved by his Councel in the Court of King's-Bench for a Prohibition to ſtay Proceedings in the Court-Chriſtian at *Norwich*, and

and delivered into the ſaid Court of King's-Bench, his *Suggeſtions*, that the ſaid Cauſe in the ſaid Court-Chriſtian, was only for *Tythes*, for *Rents* of Houſes in *Norwich*; which was determinable by the Common-Law only; yet he the ſaid Sir *Robert Berkley*, being one of the Juſtices of the ſaid Court of King's-Bench, and ſitting in the ſaid Court, deferred to grant a Prohibition to the ſaid Court-Chriſtian in the ſaid Cauſe, although the Councel did move in the ſaid Court many ſeveral times, and ſeveral Terms for a Prohibition: And he the ſaid Sir *Robert Berkley* deferred to grant his Majeſty's Writ of Prohibition to ſeveral other Courts on the motions of divers others of his Majeſty's Subjects, where the ſame by the Laws of this Realm ought to have been granted, contrary to the Laws of this Realm and his own Knowledge. 16 *Car.*

All which Words, Opinions and Actions, were ſo ſpoken and done by him the ſaid Sir *Robert Berkley*, traiterouſly and wickedly, to alienate the Hearts of his Majeſty's Liege People from his Majeſty, to ſet a Diviſion betwixt them, and to ſubvert the Fundamental Laws, and Eſtabliſhed Government of his Majeſty's Realm of *England*; for which they do impeach him the ſaid Sir *Robert Berkley*, one of the Juſtices of the Court of King's-Bench, of High-Treaſon againſt our Soveraign Lord the King, his Crown and Dignity, and of the Miſdemeanors above mentioned.

And the ſaid Commons, by Proteſtation, ſaving to themſelves only the Liberties of exhibiting at any time hereafter, any other Accuſation or Impeachment againſt the ſaid Sir *Robert Berkley*, and alſo of replying to the Anſwer, that he the ſaid Sir *Robert Berkley* ſhall make to the ſaid Articles, or any of them, or of offering Proof of the Premiſes, or any other Impeachments or Accuſations that ſhall be exhibited by them, as the Caſe ſhall, according to the Courſe of Parliaments, require, do pray that the ſaid Sir *Robert Berkley*, one of the Juſtices of the Court of King's-Bench may be put to anſwer to all and every the Premiſes; and that ſuch Proceedings, Examinations, Tryals, Judgments, and Executions, may be upon every of them had and uſed, as is agreeable to Law and Juſtice.

Which Articles being read, Mr. Pierpoint *proceeded as followeth.*

My Lords,

The High-Treaſon is in the firſt Article, in his Endeavours to ſubvert the Fundamental Laws of this Realm, and to introduce an Arbitrary and Tyrannical Government, which have been lately adjudged Treaſon, in the Cauſe of the Earl of *Strafford*.

The other Articles prove the firſt, by his Opinions, Certificates, Judgments, by his Denials of the Benefits of our Laws, which have been read to your Lordſhips. No Fundamental Law to the Subject is left, our Goods, our Lands, our Bodies, the Peace of a good Conſcience, are by him given up to Arbitrary, Tyrannical Government.

Nothing hath been omitted to make a Judge know the Laws, to make him Juſt, or ſcare him from being Evil: we have *Inns-of-Court* for that peculiar Study; Judges from thence only choſen; ſeldom any but what have been twenty years there; Honours and Revenues are given to Judges, Encouragements to do well; this Judge hath theſe: Judges are *ſworn* according to Law to ſerve the King and his People; according to Law to counſel the King; and for not doing ſo, to be at his Will for Body, Lands, and Goods: this Judge took that Oath. The Law which the Judges Study, impoſes the greateſt Puniſhments on unjuſt Judges, and ſhews that theſe Puniſhments have been inflicted. More could not be done to perſwade or awe a Judge.

His Offences ſhew in him great Ambition; yet he was moſt *timorous* of diſpleaſing the Great in Power: he did not forbear doing what he was ſworn to do, but was moſt active againſt our Laws, and in oppoſing and puniſhing any that did maintain them.

To

An. 1641. To have only received *Bribes* (though they blind the Eyes, and though the deſire to get Money encreaſeth with Age) that heinous Crime in a Judge had been, in compariſon with his Offences, as a tolerable Vice; for from ſuch a Judge, *Juſtice is alſo to be had for Money.* Ambition is violent and ruines, whilſt Covetouſneſs is making a Bargain.

The Words of his Opinions and Judgments are for the *King's Power.* It is pleaſing to the Nature of Man, that others ſhould obey his Will; and well framed Diſpoſitions of Princes, may eaſily be perſwaded their Power is unlimited, when they are alſo put in mind, that therefore they have more cauſe to do well, and for doing well are more renowned; for the moſt oppreſſive Deſigns, (which we have ſuffered under) the Pretences to his Majeſty have ever been the Good of his Subjects: his is the *Sin,* that is to judge by the Laws, and knows the Laws are to the contrary, yet puts and confirms ſuch Thoughts in his Prince.

He that incites another to Arbitrary Government, when his Self-ends are thereby compaſſed, hates him for taking that Power he perſwaded him unto.

The *Writs,* thoſe Monſters of Neceſſity to provide Ships to prevent imminent Dangers, that could not ſtay *Forty Days* for the calling of a Parliament, were therefore to go out in *September,* to have Ships ready in *March.* This hath been adjudged by your Lordſhips to be deſtructive to the Fundamental Laws of this Realm, and to the Subjects Right of Property and Liberty, *&c.* That I ſhall ſay but this concerning them, that this Judge publiſhed them to be inſeparable Flowers of the Crown: And that we have lived to ſee, for Five years together, *Imminent Danger,* and thus to be prevented.

This Judge did adviſe to ſuch a Government, as future Kings here might exerciſe the Higheſt Tyrannies, and the Subjects want the benefit of Reſtraints, known to the moſt ſlaviſh Eaſtern Nations; where, if their Prince does unjuſtly, he hath hatred for it, and the Dangers that follow that: This Judge will have that hatred to go to our good Laws. No ſuch Bondage, as when *Laws of Freedom* are miſinterpreted by Judges to make men Slaves.

What can be conſidered of in a Judge of Law to give his Opinion and Advice to his Prince, how the Laws, the mutual Covenants of Kings and Subjects are to be broken; but that his Intentions are to have his Prince *do ill,* by making his Evil Servants to ſtudy, and to be pleaſed with their wicked Deſigns; becauſe they ſee no means to put them in execution, by making them to perſwade their Prince, becauſe in imminent Danger, his Subjects Goods are *at his Will,* that there is ſuch Danger, when there is not; and they only have ſome by-end of their own.

A Judge to deliver his Opinion, That if the King ſhould intend to give up his People to be deſtroyed by Foreign Forces, for the Safety of the People in that Imminent Danger, one, by the Law, might take away the King; there could be no greater Offence.

This Judge will have our Law to be what to him ſeems Reaſon; the Reaſon limited to him to judge of, is what the Common Law ſaith is ſo, what a Statute hath ſo enacted, for him to judge this or that is Law, elſe a Miſchief ſhall follow; but becauſe the Law in ſuch a thing is imperfect, therefore he will make a Law to ſupply it; or becauſe the Law written in ſuch particulars is againſt his Reaſon, therefore his Reaſons to be Laws; then muſt follow as often as a Judge's Reaſon changes, or Judges change, our Laws change alſo.

Our Liberties are in our Laws, where a Subject may read, or hear read, this is *his,* this he *may do* and be ſafe; and thus the Judge ought to give Judgment, he is free. The Exceſſive growth of the Courts of Reaſon and Conſcience, came from great and cunning Perſons, and though not the moſt ſudden, yet the moſt dangerous and ſure ways to eat out our Laws, our Liberties.

Unlimited Power muſt be in ſome, to make and repeal Laws to fit the Diſpoſitions of times and Perſons. Nature placeth this in common Conſent only, and where all cannot conveniently meet, inſtructeth them to give their Conſents to ſome they know or believe ſo well of as to be bound to what they agree on. His Majeſty, your Lordſhips, and the Commons, are thus met in Parliament, and ſo long as we are often reduced to this main Foundation, our King and We ſhall proſper.

This

16 Car.

This Judge will not allow us our Knowledge, or any Reaſon: he will have our Minds, our Souls Slaves: A Grand-Jury-man gave his Fellows true Information, they preſent an *Innovation* in the Church, and are threatned and reviled for it; he that told this Truth is charged (I ſhall uſe this Judge's own Words) to *ſin* in that, and that he made others forſwear themſelves; this Judge ſent him to the Common-Gaol, where he is laid in *Irons*; and all this, becauſe he and they durſt meddle with *Church Matters*; he is forced to *tear* the Preſentment in pieces in open Court. Our Laws provide for the Peace of our Conſciences, many Acts of Parliament there are for it, and the Truſt by thoſe Acts ſet to Juries: This Judge knew well all this; your Lordſhips have heard what he did to the Jury at *Hertford*: He would have us know no more Divinity, than to obey what the *Great men* of the Clergy directed, no more *Law* than what he ſaid was ſo.

Judges in former times, (but only ſuch as were Examples of Puniſhment, as well as of Injuſtice) in Caſes of great and publick Concernment, uſed to forbear Proceedings till the next Parliament. This neceſſitated the calling of Parliaments; this Judge had as many ſuch Cauſes before him, as ever any had; yet he never deſired the Reſolution of Parliament in any one; for the ways he went, the neceſſity, was never to have a Parliament; he would pull up that Root of our Safeties and Liberties, which whilſt we enjoy, the Malice or Injuſtice of all other Courts and Perſons can never ruin us, (as moſt near of late) this only ſure Remedy will help us, nothing can ruin a *Parliament* but it ſelf.

The Evils which we have ſuffered under, they were committed by the Judges, or by them ought to have been, and might have been prevented.

This Judge aſſiſted in cauſing the Miſeries we ſuffered in the Star-Chamber, and at the Council-Table, he denied the known Rights which he ought to have granted us to ſtop our Grievances in the Eccleſiaſtical Courts: he was the Cauſer of our Sufferings in other Courts.

The beſt Lovers of their Laws and Liberties; the moſt honeſt ſuffer moſt by an unjuſt Judge; they moſt oppoſe his Vices: diſhoneſt Perſons find ſuch a Judge to fit their Purpoſes, the Judge finds them for his, the Bond of Iniquity confederates them.

He that will do no wrong, will ſuffer none which he can help: The Man that knows himſelf to be born free, will do his utmoſt to live ſo, and to leave Freedom to his Poſterity; were he in Slavery, when by outward Geſture thought to be moſt delighted, were his mind then known, there would be found Vexation, and his buſie Thoughts employed to redeem himſelf and Poſterity from Thraldom. But to ſay, Could this Judge intend to make himſelf and his own Poſterity *Slaves*? What he did was through Error of Judgment only: No, *my Lords*, what his Aims and Endeavours were, is apparent. To conſider Man in the General, we ſhall find in every Age, he will be a *Slave to ſome few*, that many may be Slaves to him, he looks to himſelf only; this he would do or forbear doing, to be Great, or to be Rich, had he Children, or Kindred, or had he none. This highly unjuſt Judge, by continuing Sins, maintained his Actions to preſerve himſelf; he knows ſhould he be found guilty in one of his Offences, the Penalty of the Law for it, therefore covers the Offences committed with inventing and acting others.

For a Judge to be unjuſt, more hurts the Publick than any other: he is not ſuſpected. What a Judge doth is looked on as a thing that might, that ought to be done. The moſt pernicious Great Man, that by Cunning hath got to himſelf the Heart and Tongue of his Prince, his ill Acts have dyed with him, if not taken up by others, and then they walk in darkneſs; no man will juſtifie what he doth, by ſaying ſuch *a Favourite* did it: But the unjuſt Judgments of this Judge were given in the Noon-day, were done in the Face of the whole Kingdom, in the hearing of ſuch as might carry the news to all parts of the Realm, and was therefore done: His unjuſt Judgments were our *Records*. We have ſeen wicked Great Men moſt craftily Politick, they hated our Laws, yet not meeting with active Judges, moulded to their purpoſes, they and their Acts have dyed, the Realm flouriſhed: but of late, others leſs Politick, meeting with moſt unjuſt Judges, every way as ill as they could wiſh them to be; then did the Kingdom faint under the Load of its Miſery, did long ſtruggle; now it's riſing I aſſure my ſelf your Lordſhips will aſſiſt to take off the Burden.

If

An. 1641.

If the Deſigns of ſome would not have ſuch a Man at Liberty, a Warrant from ſome Lords of the Council, would ſoon have laid him in Priſon, and given no Cauſe: Had he moved this Judge to be diſcharged or bailed, he could have obtained neither: If their ways would not have endured that Man to live, a Judge reviling the Priſoner, and his Councel that moved for his Diſcharge, or Bail, joyned with the hate of ſome Great Men, might ſoon have moved a Gaoler for unwholſom Rooms, and Lodging, and ill Diet for his Priſoner, and they may ſoon take Life away.

Offenders in Priſons are looked after to *be ſafe*; only ſuch as are brought in by Power againſt Law, are abuſed. Had a great Man deſired the Eſtates of others, the Breach of a Proclamation might readily have been charged againſt them in the Star-Chamber: but they, it may be could have anſwered and cleared themſelves, and proved their Anſwers by Teſtimonies; had they been referred to this Judge, he would have expunged the one, ſuppreſſed the other: Then followed Fines to the value of their Eſtates, or more; then Impriſonments of Courſe till they paid ſuch Fines; your Lordſhips have heard what this Judge did to the Soap-boylers.

The Countryman followed the Plough, and his thinking he was aſſured of his Right of Property and Liberty, gave him Ability to do it: He believed his Neighbour, his Landlord, his King, could *not* take his Goods from him without his Conſent. He knew the uſual Payments by Law, and in extraordinary Cauſes thought to have that Care to chooſe ſuch for his Knights of his Shire, or for his Burgeſſes, as might be mindful of the Cauſe of Payment, and of his Eſtate.

This Man hath heard the Opinions and Judgments of this Judge, hath ſeen his Goods taken from him, without his or his Knights of the Shire or Burgeſſes Conſent or Advice. Theſe have made him, his Wife and Children to joyn in Tears, to wiſh they had never been born; they have made them think on many ways to keep ſafe that Eſtate, which was yet left them, have made them deſire to ſell all their Goods,, and hide the Money: But then he remembers this Judge, how he ſhall be carryed to Priſon, and remain there if he pay not what it pleaſes others to aſſeſs him. Then they think idle Perſons (the Drones and Moths of the Common-wealth) to be a wiſe People, whom they formerly conceited to be unworthy to Live. They expect, and can think of nothing but to be *Beggars*.

Where publick and enormous Offences have been committed, Eminent and Notorious Puniſhments muſt be, ſuch will make your Lordſhips Proceedings highly eſteemed, elſe there will be ſo many Offenders, as none without danger can be puniſhed.

This Judge, ſubverting our Laws, took away the Hearts of many; he ſubſcribed for the King's Power, but ſo as he put him on taking his Subjects Goods; and of all other, ſuch ways be moſt dangerous; for we know his Majeſty is not the laſt that ſuffers; and is not the King worth many Thouſands?

The Place of this Judge was to have given and preſerved to the King the Hearts of his Subjects; the due execution of the Laws had done this; and when ſuch notice is taken of a Prince, none will conſpire againſt him, who cannot feign to themſelves Safety before or after any Fact committed; Foreign Enemies will not invade his Kingdoms.

Thus has his Majeſty now gotten our Hearts, and will for ever have them. This Judge is to anſwer for what his Majeſty, and for what we have ſuffered.

I am, by Command of the Houſe of Commons, to deſire of your Lordſhips, that the Proceedings againſt Sir *Robert Berkley*, Knight, one of the Juſtices of his Majeſty's Court of King's-Bench, may be put in as ſpeedy a way of Tryal, as the Courſe of Parliament will allow.

Mr.

16 Car.

Mr. Waller's *Speech in Parliament at a Conference of both Houſes in the Painted-Chamber, upon delivering the Impeachment againſt Mr. Juſtice* Crawley.

My Lords,

I Am commanded by the Houſe of Commons, to preſent you with theſe Articles againſt Mr. Juſtice *Crawley*; which when your Lordſhips ſhall have been pleaſed to hear read, I ſhall take leave, according to Cuſtom, to ſay ſomething of what I have collected from the Sence of that Houſe, concerning the Crimes therein contained.

Mr. *Waller's* Speech againſt Judge *Crawley*

Articles of the Houſe of Commons, in the Name of themſelves, and of all the Commons of England, *againſt Sir* Francis Crawley, *Knight, one of the Juſtices of his Majeſty's Court of Common-Pleas, impeaching him as followeth.*

I. THat he, about the Month of *November*, *Anno Domini* 1635. then being one of the Juſtices of the Court of Common-Pleas, and having taken an Oath for the due Adminiſtration of Juſtice to his Majeſty's Liege People, according to the Laws and Statutes of this Realm, ſubſcribed an Opinion, *in hæc verba.* [*I am of Opinion*, &c. *as above-mentioned.*]

Articles againſt Judge *Crawley.*

II. That he, in or about the Month of *February*, *Anno Domini* 1636. then being one of the Juſtices of the ſaid Court of Common-Pleas, ſubſcribed an Extrajudicial Opinion, in Anſwer to Queſtions in a Letter from his Majeſty, *in hæc verba.* [*As before in* Berkley's *Charge*]

III. That he being then one of the Juſtices of the ſaid Court of Common-Pleas, delivered an Opinion in the Exchequer-Chamber againſt *John Hampden*, Eſq; in Caſe of Ship-money, that he the ſaid *John Hampden* upon the matter and ſubſtance of the Caſe, was chargeable with the Money then in Queſtion, a Copy of which Proceedings and Judgment, the Commons of this preſent Parliament have already delivered to your Lordſhips.

IV. That he being then one of the Juſtices of the ſaid Court of Common-Pleas, declared and publiſhed in the Exchequer-Chamber, and the Weſtern Circuit, where he went Judge, That the King's Right to Ship-money was ſo inherent a Right in the Crown, as an *Act of Parliament could not take it away*: And with divers malicious Speeches inveighed againſt, threatned and diſcountenanced ſuch as refuſed to pay Ship-money. All which Opinions and Judgments contained in the firſt, ſecond, and third Articles, are deſtructive to the Fundamental Laws of this Realm, the Subjects Right of Property, and contrary to former Reſolutions in Parliament, and to the Petition of Right; which ſaid Reſolutions and Petition of Right were well known to him.

And the ſaid Commons by Proteſtation, ſaving to themſelves only the Liberties of exhibiting at any time hereafter, any other Accuſation or Impeachment againſt the ſaid Sir *Francis Crawley*, and alſo of replying to the Anſwer, that he the ſaid Sir *Francis Crawley*, ſhall make unto the ſaid Articles, or any of them, or of offering Proof of the Premiſes, or of any other of their Impeachments or Accuſations that ſhall be exhibited by them, as the Caſe ſhall (according to the courſe of Parliaments) require, do pray that the ſaid Sir *Francis Crawley*, one of the Juſtices

An. 1641. of the ſaid Court of Common-Pleas, may be put to anſwer to all and every the Premiſes; and that ſuch Proceedings, Examinations, Tryals, and Judgments, may be upon every one of them had and uſed, as is agreeable to Law and Juſtice.

Then Mr. Waller *went on thus:*

My Lords,

The remainder of Mr. *Waller's* Speech.

Not only my Wants, but my Affections render me leſs fit for this Imployment: For though it has not been my Happineſs to have the Law a part of my Breeding, there is no Man Honours that Profeſſion more, nor has a greater Reverence towards the grave Judges, the Oracles thereof: out of Parliament all our Courts of Juſtice are governed or directed by them; and when a Parliament is called, if your Lordſhips were not aſſiſted by them, and the Houſe of Commons by other Gentlemen of that Robe, Experience tells us, it might run a hazard of being Stiled *Parliamentum Indoctorum.* But as all Profeſſions are Obnoxions to the Malice of the Profeſſors, and by them moſt eaſily betrayed; ſo *(My Lords)* theſe Articles have told you how theſe *Brothers of the Coyfe* are become *Fratres in Malo*; how theſe Sons of the Law have torn out the Bowels of their *Mother*: But this Judge (whoſe Charge you laſt heard) in one Expreſſion of his, excels no leſs his Fellows, than they have done the worſt of their Predeceſſors, in this Conſpiracy againſt the Commonwealth.

Of the Judgment for Ship-money, and thoſe extrajudicial Opinions preceding the ſame (wherein they are jointly concerned) you have already heard; how unjuſt and pernicious a Proceeding that was in ſo publick a Cauſe, has been ſufficiently expreſs'd to your Lordſhips: But this Man, adding *Deſpair* to our *Miſery*, tells us from the Bench, That *Ship-money* was a Right ſo inherent in the Crown, that it would not be in the power of an *Act of Parliament* to take it away. Herein, *my Lords*, he did not only give as deep a Wound to the Commonwealth as any of the reſt, but dipt his Dart in ſuch a *Poyſon*, that ſo far as in him lay, it might never receive a Cure. As by thoſe Abortive Opinions ſubſcribing to the ſubverſion of our Property, before he heard what could be ſaid for it, he prevented his *own*; ſo by this Declaration of his, he endeavours to prevent the *Judgment of your Lordſhips too*, and to confine the Power of a Parliament, the only place where this Miſchief might be redreſs'd. Sure he is more Wiſe and Learned, than to believe himſelf in this Opinion, or not to know how ridiculous it would appear to a Parliament, and how Dangerous to himſelf; and therefore no doubt, but by ſaying *no Parliament* could aboliſh this Judgment, his meaning was, that this Judgment had *aboliſh'd Parliaments.*

This Impoſition of Ship-money, ſpringing from a pretended Neceſſity, Was it not enough that it was now grown *Annual*, but he muſt entail it upon the State for ever, at once making neceſſity inherent to the Crown, and Slavery to the Subject? *Neceſſity*, which diſſolving all Law, is ſo much more prejudicial to his Majeſty than to any of us, by how much the Law has inveſted his Royal State with a greater Power and ampler Fortune: for ſo undoubted a Truth it has ever been, that Kings as well as Subjects are involved in the Confuſion which *Neceſſity* produces; that the Heathens thought their Gods alſo obliged by the ſame; *Pareamus neceſſitati quam nec homines, nec dii ſuperant:* This Judge then having in his Charge at the Aſſize, declared the *Diſſolution of the Law*, by this ſuppos'd Neceſſity, with what Conſcience could he at the ſame Aſſize proceed to condemn and puniſh Men; unleſs perhaps he meant, the Law was ſtill in force for our *Deſtruction*, and not for our Preſervation; that it ſhould have Power to kill, but none to protect us; a thing no leſs horrid, than if the Sun ſhould *burn* without *lighting* us; or the Earth ſerve only to *bury*, and not to *feed* and *nouriſh* us. But, *my Lords*, to demonſtrate that this was a ſuppoſititious impoſed Neceſſity, and ſuch as they could have removed when they pleaſed: At the laſt Convention in Parliament, a Price was ſet upon it, *For Twelve Subſidies you ſhall reverſe this Sentence*: It may be ſaid that ſo much Money would have removed the preſent Neceſſity; but here was a Rate ſet upon future Neceſſity, *For Twelve Subſidies you ſhall never ſuffer Neceſſity again; you ſhall for ever aboliſh that Judgment:* Here this *Myſtery* is reveal'd, this Vizor

of

of Neceſſity is pull'd off; and now it appears, that this *Parliament of Judges* had very frankly and bountifully preſented his Majeſty with *Twelve Subſidies* to be levied on your Lordſhips and the Commons: certainly there is no Priviledge which more properly belongs to a Parliament, than to open the Purſe of the Subject: And yet theſe Judges, who are neither capable of ſitting among us in the Houſe of Commons, nor with your Lordſhips, otherwiſe than as your Aſſiſtants, have not only aſſumed to themſelves this Priviledge of Parliament, but preſumed at once to make a Preſent to the Crown of all that either your Lordſhips or the Commons of *England* do, or ſhall hereafter poſſeſs. 16 *Car.*

And becauſe this man has had the boldneſs to put the Power of Parliament in balance with the Opinion of the Judges, I ſhall entreat your Lordſhips to obſerve, by way of Compariſon, the ſolemn and ſafe Proceeding of the one, with the precipitate diſpatch of the other. In Parliament (as your Lordſhips know well) no new Law can paſs, or old be abrogated, till it has been *thrice read* with your Lordſhips, *thrice* in the Commons Houſe, and then it receives the Royal Aſſent: ſo that it is like Gold *ſeven* times purified: whereas theſe Judges by this one Reſolution of theirs, would perſwade his Majeſty, that by naming *Neceſſity*, he might at once diſſolve (at leaſt ſuſpend) the *Great Charter*, (Two and thirty times confirm'd by his Royal Progenitors) the *Petition of Right*, and all other Laws, provided for the maintenance of the Right and Propriety of the Subject: A ſtrange force, *my Lords*, in the ſound of this Word *Neceſſity*, that, like a Charm, it ſhould ſilence the Laws, while we are deſpoiled of all we have; for that but a part of our Goods was taken, is owing to the Grace and Goodneſs of the King; for ſo much as concerns theſe Judges, we have no more left, than they perhaps may deſerve to have, when your Lordſhips ſhall have paſſed Judgment upon them. This for the neglect of their Oaths, and betraying that publick Truſt, which for the Conſervation of our Laws was repoſed in them.

Now for the Cruelty and Unmercifulneſs of this Judgment, you may pleaſe to Remember that in the Old Law, they were forbid to *ſeethe a Kid in his Mothers Milk*; of which the received Interpretation is, That we ſhould not uſe that to the *Deſtruction of any Creature which was intended for its preſervation*: Now, my Lords, God and Nature has given us the Sea as our beſt Guard againſt our Enemies, and our Ships are as our greateſt Glory above other Nations; and how Barbarouſly would theſe Men have let in the Sea upon us, at once to waſh away our Liberties, and to over-whelm, if not our Land, yet, at leaſt, all the Propriety we have therein; making the Supply of our Navy, a Pretence for the Ruine of our Nation? For obſerve, I beſeech you, the Fruit and Conſequence of this Judgment, how this Money has proſper'd, how contrary an Effect it has had, to the End for which they pretended to take it: On every County a Ship is Annually impoſed; and who would not expect, but our Seas by this time ſhould be covered with the Number of our Ships? Alas, my Lords, the daily Complaints of the decay of our Navy, tell us how ill Ship-Money has maintain'd the *Soveraignty of the Sea*; and by the many Petitions which we receive from the Wives of thoſe miſerable Captives at *Algier* (being between Four and Five thouſand of our Country-men) it does too evidently appear, That to make us Slaves at home, is not the way to keep us from being made Slaves abroad; ſo far has this Judgment been from relieving the preſent, or preventing the future Neceſſity; that as it changed our Real Propriety into the Shadow of a Propriety; ſo of a Feigned, it has made a Real, Neceſſity.

A little before the Approach of the *Gauls* to *Rome*, while the *Romans* had no apprehenſion of that danger, there was heard a Voice in the Air, louder than ordinary, *The* Gauls *are come*. Which Voice, after they had Sack'd the City and Beſieged the Capitol, was held ſo Ominous, that *Livy* Relates it as a Prodigy. This Anticipation of Neceſſity ſeems to have been no leſs Ominous to us; theſe Judges, like Ill-boading Birds, have call'd Neceſſity upon the State, in a time when, I dare ſay, they thought themſelves in greateſt ſecurity: but if it ſeem Superſtitious to take this as an Omen, ſure I am, we may look on it as a Cauſe of the Unfeigned Neceſſity we now ſuffer: For what Regret and Diſcontent had this Judgment bred among us? And as when the Noiſe and Tumult in a Private Houſe grows ſo loud, as to be heard into the Streets, it calls in the next Dwellers either kindly to appeaſe, or to make their own uſe of the Domeſtick Strife; ſo, in all likelyhood, our known Diſcontents at

An. 1641. home have been a concurrent Cauſe to invite our Neighbours to viſit us, ſo much to the Expence and Trouble of both theſe Kingdoms.

And here, my Lords, I cannot but take notice of the moſt ſad Effect of this Oppreſſion, the ill Influence it has had upon the Ancient Reputation and Valour of the *Engliſh* Nation. No wonder, if it be true, that Oppreſſion makes a Wiſe Man Mad, it may well ſuſpend the Courage of the Valiant. The ſame happened to the *Romans*, when for Renown in Arms they moſt excell'd the reſt of the World; the Story is but ſhort: 'twas in the Times of the *Decem-viri*; (and I think the chief Troublers of our State may make up that Number.) The *Decem-viri* had Subverted the Laws, Suſpended the Court of Juſtice; and (which was the greateſt Grievance both to the Nobility and People) had for ſome years omitted to Aſſemble the Senate, which was their Parliament: This, ſays the Hiſtorian, did not only deject the *Romans*, and make them deſpair of their Liberty, but cauſed them to be leſs Valued by their Neighbours: The *Sabines* take the Advantage and Invade them, and now the *Decem viri* are forc'd to call the long deſired Senate; whereof the People were ſo glad, that *Hoſtibus Belloque gratiam habuerunt.* This Aſſembly breaks up in Diſcontent; nevertheleſs the War proceeds; Forces are raiſed, led by ſome of the *Decem-viri*, and with the *Sabines* they meet in the Field. I know your Lordſhips expect the Event: My Author's Words of his Country-men are theſe, *Ne quid ductu aut auſpicio Decem-virorum proſpere gereretur, vinci ſe patiebantur.* They choſe rather to ſuffer a preſent Diminution of their Honour, than by Victory to Confirm the Tyranny of their New Maſters: At their return from this Unfortunate Expedition, after ſome Diſtempers and Expoſtulations of the People, another *Senate*, that is, a Second Parliament is call'd, and there the *Decem-viri* are queſtioned, deprived of their Authority, Impriſoned, Baniſh'd, and ſome loſe their Lives; and ſoon after this Vindication of their Liberties, the *Romans*, by their better Succeſs, made it appear to the World, *That Liberty and Courage dwell always in the ſame Breaſt*, and are never to be divorced.

No doubt, *my Lords*, but your Juſtice ſhall have the like effect upon this diſpirited People: 'tis not the reſtitution of our ancient Laws alone, but the Reſtauration of our ancient Courage, which is expected from your Lordſhips. I need not ſay, to move your juſt Indignation, that this Man ſhould ſo cheaply give away that which your Noble Anceſtors, with ſo much Courage and Induſtry, had ſo long maintained; you have often been told how careful they were, though with the hazard of their Lives and Fortunes, to derive thoſe Rights and Liberties as entire to Poſterity, as they received them from their Fathers; what they did with Labour, you may do with eaſe; what they did with Danger, you may do ſecurely; the Foundation of our Laws is not ſhaken with the Engine of War, they are only blaſted with the Breath of theſe Men, and by your Breath may be reſtored.

What Judgments your Predeceſſors have given, and what Puniſhments their Predeceſſors have ſuffered for Offences of this Nature, your Lordſhips have already been ſo well informed, that I ſhall not trouble you with a Repetition of thoſe Precedents: Only, *my Lords*, ſomething I ſhall take leave to obſerve of the Perſon with whoſe Charge I have preſented you, that you may the leſs doubt of the wilfulneſs of his Offence.

His Education in the Inns-of-Court, his conſtant Practice as a Counſellor, and his Experience as a Judge (conſidered with the Miſchief he has done) makes it appear that this Progreſs of his through the Law, has been like that of a diligent *Spie* through a Country, into which he meant to conduct an Enemy.

To let you ſee he did not offend *for Company*, there is one Crime ſo peculiar to himſelf, and of ſuch Malignity, that it makes him at once uncapable of your Lordſhips Favour, and his own Subſiſtence; incompatible with the Right and Propriety of the Subject: For if you leave him in a capacity of interpreting the Laws, has he not already declared his Opinion, That your Votes and Reſolutions againſt Ship-money are void, and that it is not in the Power of a Parliament to aboliſh that Judgment.

To him, *my Lords*, that has thus plaid with the Power of Parliament, we may well apply what was once ſaid to the Goat Browſing upon the Vine.

16 Car.

Rode, caper, vitem, tamen hinc cum ſtabis ad aras
In tua quod fundi cornua poſſit, erit.

He had cropt and infring'd the Priviledges of a baniſhed Parliament; but now it is returned, he may find it has Power enough to make a Sacrifice of him, to the better Eſtabliſhment of our Laws; and in Truth what other ſatisfaction can he make his injured Country, than to confirm by his *Example* thoſe Rights and Liberties which he had ruin'd by his *Opinion?*

For the Proofs, *my Lords*, they are ſo manifeſt, that they will give you little trouble in the diſquiſition: his Crimes are already upon *Record*, the *Delinquent* and the *Witneſs* is the ſame; having from ſeveral Seats of Judicature proclaim'd himſelf an Enemy to our Laws and Nation: *Ex ore ſuo judicabitur.* To which purpoſe, I am commanded by the Knights, Citizens, and Burgeſſes of the Houſe of Commons, to deſire your Lordſhips, that as ſpeedy a Proceeding may be had againſt Mr. Juſtice *Crawley*, as the Courſe of Parliaments will permit.

Mr. Edward Hide's *Speech*, July 6. 1641. *at the Impeachment of Three of the Barons of the Exchequer.*

My Lords,

Mr. *Ed. Hide's* Speech againſt the L. Chief. Baron *Davenport*, Baron *Weſton*, and Baron *Trevor*, *July* 6. 1641.

THere cannot be a greater Inſtance of a ſick and languiſhing Commonwealth, than the Buſineſs of this Day: Good God! how have the *Guilty* theſe late Years been puniſhed, when the *Judges* themſelves have been ſuch *Delinquents!* 'Tis no marvel, that an Irregular, Extravagant, Arbitrary Power, like a Torrent, hath broke in upon us, when our *Banks* and our *Bulwarks*, the *Laws*, were in the Cuſtody of ſuch Perſons. Men who had loſt their *Innocence*, could not preſerve their *Courage*; nor could we look that they who had ſo viſibly undone us, themſelves ſhould have the Vertue or Credit to reſcue us from the Oppreſſion of other Men: 'Twas once ſaid by one, who always ſpoke excellently, *That the Twelve Judges were like the Twelve Lyons under the Throne of* Solomon; under the Throne! in Obedience! but yet *Lyons*. Your Lordſhips ſhall this Day hear of *Six*, who (be they what they will be elſe) were no *Lyons*; who, upon vulgar Fears, delivered up the precious Forts they were truſted with, almoſt without Aſſault, and in a tame and eaſie Trance of Flattery and Servitude, loſt and forfeited (ſhamefully forfeited) that Reputation, Awe and Reverence, which the Wiſdom, Courage and Gravity of their Venerable Predeceſſors, had contracted and faſtned to the Places they now hold; and even rendred that Study and Profeſſion, which in all Ages hath been, and I hope now ſhall be of an Honourable Eſtimation, ſo contemptible and vile, that had not this bleſſed Day come, all Men would have had that Quarrel to the Law it ſelf, which *Marius* had to the Greek Tongue, who thought it a Mockery to learn that Language, the Maſters whereof *lived in Bondage* under others: And I appeal to theſe unhappy Gentlemen themſelves, with what a ſtrange Negligence, Scorn, and Indignation, the Faces of all Men, even of the meaneſt, have been directed towards them, ſince (to call it no worſe) that Fatal Declenſion of their Underſtandings in thoſe Judgments, of which they ſtand here charged before your Lordſhips. But, *my Lords*, the Work of this Day is the greateſt Inſtance of a growing and thriving Commonwealth too; and is as the dawning of a fair and laſting Day of Happineſs to this Kingdom; 'tis in your Lordſhips Power, (and I am ſure 'tis in your Lordſhips Will) to reſtore the dejected broken People of this Iſland, to their former Joy and Security; the Succeſſors of theſe Men to their old Priviledge and Veneration, *& ſepultas prope leges revocare.*

My Lords, The Iniquity of Judges is Infectious, and their craftieſt Combination to leave as few Innocent as may be: Your Lordſhips have heard of the Juſtice of Two of the greateſt Courts of *Weſtminſter*; and that you may know how little Advantage, the other of his Majeſty's Revenue, the Court of Exchequer, hath of his Fellows in the Adminiſtration of Right, I am commanded by the Houſe of Commons, to preſent to your Lordſhips, Three ſeveral Charges, againſt Three Judges of that Court, my Lord Chief Baron *Davenport*, Mr. Baron *Trevor*, and Mr. Baron *Weſton*. May it therefore pleaſe your Lordſhips to hear them read.

Arti-les

An. 1641.

Articles of the Houſe of Commons, in the Name of themſelves and of all the Commons of England, *againſt Sir* Humphrey Davenport *Knight, Lord Chief Baron of his Majeſty's Court of Exchequer, impeaching him as followeth.*

The Charge againſt Sir *H. Davenport*, Lord Chief Baron.

I. THat whereas in the Month of *October*, in the Fourth Year of his Majeſty's Reign, the Farmers and Officers of the Cuſtom-Houſe, having ſeized great Quantities of Currans, being the Goods of *Samuel Vaſſall*, Merchant; and having conveyed them into certain Store-houſes at the Cuſtom-houſe, and detained them, becauſe the ſaid *Sam. Vaſſall* refuſed to pay an Impoſition of Five Shillings Six pence, upon every Hundred Weight of the ſaid Currans, pretended to be due upon, and demanded by the ſaid Farmers and Officers, on his Majeſty's behalf, for the ſaid Currans; whereas no ſuch Impoſition was due or payable for the ſame; but the ſaid Impoſition was, and is againſt the Laws of this Realm.

And whereas alſo in *Michaelmas* Term, in the ſaid Fourth Year of his Majeſty's Reign, his Majeſty's then Attorney-General, exhibited an Information by *Engliſh* Bill in the Exchequer againſt the ſaid *Samuel Vaſſall*, ſetting forth, That King *James*, by his Letters Patents, dated *tertio Novemb.* in the Second Year of his Reign, did command the ſaid Impoſition of Five Shillings Six Pence, upon every Hundred Weight of Currans ſhould be demanded and received.

And that his Majeſty that now is, by his Letters Patents, dated the Six and twentieth day of *July*, in the Second Year of his Reign, did, by Advice of his Privy-Council, declare his Will and Pleaſure to be, That Subſidies, Cuſtoms and Impoſt ſhould be levied in ſuch manner as they were in the time of King *James*, and the ſame, and the Farms thereof to continue until it might receive a ſettling by Parliament, and commanding the levying and receiving the ſame accordingly; and that the ſaid *Sam. Vaſſall* before the ſaid firſt day of *October*, then laſt before the ſaid Information exhibited, did bring into the Port of *London* in Ships, Four thouſand ſix hundred thirty eight hundred Weight of Currans, *Richard Carmarthen*, Surveyer in the ſaid Port of *London*, the ſaid firſt day of *October*, demanded of the ſaid *Samuel Vaſſall*, the ſaid Impoſition of Five Shillings Six Pence for every hundred Weight of the ſaid Currans; and that the ſaid *Samuel Vaſſall* refuſed to pay the ſaid Impoſition, and unjuſtly detained it from the King. To which Information the ſaid *Samuel Vaſſall* appeared, and pleaded the Statute of *Magna Charta*, and the Statute *De Tallagio non concedendo*, and that he was a Subject born under the King's Allegiance, and a Merchant of *London* uſing that Trade; and that the ſaid Sum of Five Shillings ſix pence upon every Hundred Weight of Currans, was and is *malum Toletum*; and not *Antiqua ſeu Recta Conſuetudo*, and that it was impoſed without aſſent of Parliament: to which Plea Mr. Attorney-General demurred in Law, and the ſaid *Samuel Vaſſall* joyned in Demurrer with him: and when the ſaid Cauſe came to be argued, *viz.* in *Trinity* Term, in the Sixth Year of his Majeſty's Reign, the ſaid Sir *Humphrey Davenport*, being then Lord Chief Baron of his Majeſty's ſaid Court of Exchequer, did, contrary to his Oath, and contrary to the Laws of this Realm, and to the great impoveriſhment of the ſaid *Samuel Vaſſall*, publickly refuſe to hear the Counſel of the ſaid *Samuel Vaſſall* to argue for him, and ſaid, That the Caſe of the

ſaid

16 *Car.*

ſaid *Samuel Vaſſall* would fall under the ſame Rule, with the Caſe of one *Bates*, and therefore was already judged: and the Councel of the ſaid *Samuel Vaſſall* anſwering, that they had nothing to do with *Bates* his Caſe, but deſired to argue for Mr. *Vaſſall*, the ſaid Sir *Humphrey Davenport* replyed, That they knew the Opinion of the Court, and ſhould be heard no further, and ſaid, That *the King was in Poſſeſſion*, and that they (meaning the ſaid Court of Exchequer) would keep him in Poſſeſſion: And the ſaid Sir *Humphrey Davenport*, ſhortly after, did, together with the reſt of the Barons of the ſaid Court of Exchequer, impriſon the ſaid *Samuel Vaſſall* for not paying ſuch Sums of Money as were pretended by the ſaid Officers of the Cuſtom Houſe, to be due to his Majeſty; and did delay the ſaid *Samuel Vaſſall* from time to time from having reſtitution of his ſaid Goods, being often in Court moved thereto, with Intention to force the ſaid *Samuel Vaſſall* to pay the ſaid unlawful Impoſition, and did alſo give his Opinion and Judgment upon the ſaid Information for the King, and againſt the ſaid *Samuel Vaſſall*, and by ſeveral Orders for that purpoſe made, did continue the Poſſeſſion of the ſaid Goods in the King; and the ſaid *Samuel Vaſſall*, could never obtain any Reſtitution at all of his ſaid Goods.

II. That whereas it was commanded to the Sheriff of the County of *York*, by Writ under the Seal of his Majeſty's Court of Exchequer, dated *May* 16. in the Seventh Year of his Majeſty's Reign that now is, That he ſhould diſtrain *James Maleverer*, Eſq; to appear before the Barons of his Majeſty's ſaid Court of Exchequer, in the *Octaves* of the Holy *Trinity* then next following, to make Fine to the King for his Treſpaſs and Contempt in not coming to the preſence of the King before the One and thirtieth day of *January*, in the Firſt Year of his ſaid Majeſty's Reign, to take upon him the Order of Knighthood, according to the Form of a Proclamation, in that behalf formerly made: at which day of the ſaid *Octaves* of the Holy *Trinity*, the ſaid *James Maleverer* did appear, and pleaded to the ſaid Writs; That although his ſaid Majeſty, the ſaid One and thirtieth day of *January*, and for Three Days next before the ſaid One and thirtieth Day of *January*, was reſident and remainning at his Palace at *White-hall*, in the County of *Middleſex*; and that the ſaid *James Maleverer*, the ſaid One and thirtieth Day of *January*, and three Days next before the ſaid One and thirtieth Day of *January*, was reſident and remaining at *Ancliffe* in the ſaid County of *York*, which is diſtant from the ſaid Palace of *VVhite-hall* the ſpace of One hundred and fourſcore Miles; and that the ſaid *James Maleverer*, the ſaid One and thirtieth Day of *January* aforeſaid, or at any time before, had no Lands, nor Rents in his own Hands, or in the Hands of Feoffees, to his Uſe, out of the ſaid County of *York*, and that that part of the ſaid County of *York*, which is neareſt to the ſaid Palace of *VVhitehall*, is diſtant from the ſaid Palace of *VVhitehall*, the ſpace of One hundred and thirty Miles; and that no Proclamation by virtue of any Writ of Proclamation, for the appearance of any Perſons whatſoever, to take the ſaid Order of Knighthood, was made in any part of the ſaid County of *York*, before the Thirtieth of *January*, in the ſaid Firſt Year of his Majeſty's Reign; by Reaſon whereof the ſaid *James Maleverer* could not perſonally come to the preſence of his ſaid Majeſty, to take the ſaid Order of Knighthood, before the ſaid One and thirtieth Day of *January*, in the ſaid Firſt Year of his Majeſty's ſaid Reign; yet the ſaid *James Maleverer* for his Fine in the Premiſes, did humbly ſubmit himſelf to the ſaid Court, and demanded to be diſcharged of the ſaid Iſſues, returned and impoſed upon him by reaſon of the Premiſes: Yet notwith-

An. 1641. withſtanding the ſaid Plea, and Submiſſion of the ſaid *James Maleverer*; and after the ſame was made as aforeſaid and entred upon Record in his Majeſty's ſaid Court of Exchequer, and the ſaid Court moved for ſtay of the Proceſs, and diſcharge of the Iſſues; the ſaid Sir *Humphrey Davenport* being then Lord Chief Baron of the ſaid Court of Exchequer, contrary to his Oath, and contrary to the Laws of this Realm, and to the great impoveriſhing of the ſaid *James Maleverer*, did, together with the reſt of the then Barons of the ſaid Court, refuſe to impoſe any Fine whatſoever upon the ſaid *James Maleverer*, and told him that the ſaid Court had no Power to fine him, and that he muſt compound with certain Commiſſioners for that purpoſe appointed. And did farther order and direct ſeveral other Writs of *Diſtringas*, to iſſue forth of his Majeſty's ſaid Court of Exchequer, under the Seal of the ſaid Court, directed to the ſeveral High Sheriffs of the ſaid County of *York*; whereby the ſaid Sheriffs were commanded further to diſtrain the ſaid *James Maleverer* to appear as aforeſaid: Upon which ſaid Writs of *Diſtringas*, ſeveral great and exceſſive Iſſues were returned upon the Lands of the ſaid *James Maleverer*, amounting to the Summ of Two thouſand Pounds, or thereabouts; a great part whereof, the ſaid *James Maleverer* was inforced to pay: and in like manner the ſaid Sir *Humphrey Davenport*, together with the reſt of the then Barons of the ſaid Court of Exchequer, did order and direct ſuch and the like unjuſt and undue Proceedings: And the ſaid Proceedings were had and made accordingly againſt *Thomas Moyſer*, Eſq; and againſt ſeveral other Perſons his Majeſty's Subjects in ſeveral parts of this Realm, to the utter undoing of many of them.

III. That a Sentence of *Degradation* being given by the High Commiſſioners of the Province of *York*, againſt *Peter Smart*, Clerk, one of the Prebends of the Church of *Durham*, for a Sermon by him formerly preached againſt ſome *Innovations* in the Church of *Durham*; a Tryal was afterwards had, *viz.* in *Auguſt*, in the Seventh Year of his ſaid Majeſty's Reign, before the ſaid Sir *Humphrey Davenport*, Knight, then one of the Judges of Aſſizes and *Niſi prius*, for the County Palatine of *Durham*, concerning the Corps of the Prebend of the ſaid Mr. *Smart*; which was then pretended to be void by the ſaid Sentence of Degradation; the ſaid Sir *Humphrey Davenport*, contrary to his Oath, and contrary to the Laws of this Realm, and to the deſtruction of the ſaid Mr. *Smart*, upon reading the Writ *de Heretico Comburendo*, did publickly upon the Bench, in the preſence of divers his Majeſty's Subjects then attending, declare his Opinion to be, That the ſaid Prebends Place was void; and gave Directions to the Jury then at Bar to find accordingly: And being then informed, That although the ſaid Mr. *Smart* had been dead, or deprived, yet the Profits of his Prebend had been due to his Executors till the *Michaelmas* following; the ſaid Sir *Humphrey Davenport* then anſwered, That though the ſaid Mr. *Smart* was not dead, yet if he had had his Deſert, he had been dead long ago, for he *deſerved to be hanged* for the ſaid Sermon; and that he was as wicked a man as any lived in the World: Call him no more Mr. *Smart*, but plain *Smart*. And when the ſaid Jury had found againſt the ſaid Mr. *Smart*, the ſaid Sir *Humphrey Davenport*, in ſcandal of his Majeſty's Government and Juſtice, and of the Proceedings of his Majeſty's Judges, did publickly, as aforeſaid, ſpeak words to this Effect, *That the ſaid Jury had done well, and that the ſaid Smart had no Remedy, ſave by Appeal to the King; and there he ſhould find but cold Comfort, for the King would not go againſt his own Prerogative*, upon which the Judges and High Commiſſioners did depend, and therefore would not contradict one anothers Acts.

IV. That

16 Car.

IV. That the ſaid Sir *Humphrey Davenport*, about the Month of *November*, *Anno Domini* 1635. then being Lord Chief Baron of his Majeſty's Court of Exchequer, and having taken an Oath for the due Adminiſtration of Juſtice to his Majeſty's Liege People, according to the Laws and Statutes of this Realm, ſubſcribed his Name to an Opinion, *in hæc verba.* [*I am of Opinion*, &c. *ut ſupra.*]

V. That in or about the Month of *February*, *An. Dom.* 1636. the ſaid Sir *Humphrey Davenport*, then being Lord Chief Baron of the ſaid Court of Exchequer, ſubſcribed an Extrajudicial Opinion in anſwer to Queſtions, in a Letter from his Majeſty, *in hæc verba.*

[C. R. *When the Good and Safety of the Kingdom is concerned*, &c. ut ſupra.]

VI. That whereas an Action of Battery was brought by one *Richard Legge*, againſt *Robert Hoblins*; to which the ſaid *Robert Hoblins* pleaded Juſtification *de ſon aſſault de meſme*; and the ſaid Cauſe came to Tryal at the Aſſizes holden for the County of *Gloceſter*, in *Summer*, 1636. before the ſaid Sir *Humphrey Davenport*, then one of the Juſtices of Aſſize and *niſi prius* for that County: At the ſaid Tryal, the ſaid *Robert Hoblins*, did begin to make Proof of his ſaid Juſtification, and produced one *Robert Tilly*, a Witneſs in the Cauſe, who proved upon Oath, that the ſaid *Richard Legge* did make *the firſt Aſſault* upon the ſaid *Robert Hoblins*; and that the Occaſion thereof was, that the ſaid *Richard Legge* and others, came upon the Lands then in Poſſeſſion of the ſaid *Hoblins*, and did take and drive away Eighteen Cows of the ſaid *Hoblins*, pretending they had a Warrant from the Sheriff to diſtrain the ſame, for Forty Shillings, aſſeſſed upon the ſaid *Hoblins*, for *Ship-money*: And when the ſaid *Hoblins* (being preſent) endeavoured to hinder the ſaid *Legge* and others, from taking away his ſaid Cattel, the ſaid *Legge* ſtroke the ſaid *Hoblins* with a Staff; who after defended himſelf: That upon the opening of the Matter the ſaid Sir *Humphrey Davenport*, would not ſuffer the ſaid *Hoblins* to produce any more Witneſſes on his behalf (though the ſaid *Hoblins* deſired that other of his Witneſſes then preſent and ſworn, might be heard) nor his Counſel to ſpeak for him: But being informed, that the ſaid *Hoblins*, (when Ship-money was demanded of him) anſwered, *That he would not pay the ſame, becauſe it was not granted by Parliament*, the ſaid Sir *Humphrey Davenport*, did then (openly in the hearing of a great number of his Majeſty's Liege People then aſſembled, and attending the Court) in great Paſſion reprove the ſaid *Hoblins*, and told him the King was *not to call a Parliament to give him Satisfaction*; and did then and there alſo falſely and of purpoſe, to prevent his Majeſty's loving Subjects, from the due and ordinary Courſe of Law, and contrary to his Oath and the Laws of the Realm, publiſh, declare and affirm, That it was adjudged by all the Judges of *England*, That *Ship-money was due to the King*, and directed the Jury, ſworn in that Cauſe, to find a Verdict for the ſaid *Richard Legge*: And the ſaid Jury did accordingly, and gave him Twenty Pound Damages: And the ſaid *Humphrey Davenport*, did then alſo without any Cauſe, impriſon the ſaid *Robert Hoblins*, and bound him to the Good Behaviour.

VII. That whereas in the Month of *April*, *Decimo Sexto Caroli*, the Officers of the Cuſtom-Houſe, having ſeized a Ship of one *Samuel Warner's*, laden with *Tabaco*, being the Goods of the ſaid *Warner*, the Bulk of the ſaid Ship not being broken, and no Information exhibited for the King, according to the Courſe of the Exchequer for any Duty, the Baſons were moved, that the ſaid Ship might be reſtored to the Propietors, giving

An. 1641. giving ſecurity to pay ſuch Duties as did belong to the King: But upon the Allegation of the King's Attorney, that there needed no Information, becauſe there was no Penalty, the ſaid Sir *Humphrey Davenport*, being then Lord Chief Baron of his Majeſty's Court of Exchequer, together with the reſt of the then Barons of the ſaid Court, did, contrary to his Oath, and contrary the Laws of this Realm, deny the *Reſtitution of the ſaid Ship*, unleſs all the Duties demanded by the Farmers of the Cuſtom-houſe were firſt paid.

Hereupon the ſaid *Warner* brought an Action of *Trover* in the Office of Pleas in the Exchequer, againſt the ſaid Officers that ſeized his Ship and Goods: Whereupon the King's Attorney-General exhibited an Information by *Engliſh* Bill in the Exchequer-Chamber, againſt the ſaid *Warner*; ſetting forth, that Cuſtoms and Subſidies upon Merchandize, were a great part of the King's Revenue, and payable to him: And that the ſaid Ship was ſeized for non-payment of the foreſaid Duties; notwithſtanding that the ſaid *Warner*, then Proprietor, proſecuted the Officers upon a Suit at Law, and prays that he may anſwer the ſaid Information before any further Proceedings be had at Law.

Thereupon the ſaid Sir *Humphrey Davenport*, together with the then Barons of the ſaid Court of Exchequer, ordered that the Proprietor, moving for the delivery of the ſaid Goods, ſhould firſt anſwer to the Information: after which the ſaid *Warner* demurred to the ſaid Information, in regard no Title for any certain Duty was ſet forth by the Information: which Demurrer yet remains not over-ruled; but the ſaid Sir *Humphrey Davenport*, with the ſaid other Baron, without over-ruling the Demurrer, ordered, becauſe *Warner* had put in a Demurrer, and not anſwered to the ſaid Information, that he ſhould not proceed upon the Action of *Trover*. The Proprietor being thus prevented of his Remedy by Action at Law, ſued forth a *Replevin*; and upon pretence of viewing the ſaid Goods, cauſed them to be brought forth of a Cellar, hired by a Deputy to the Farmers for that uſe: and being brought forth they were taken by the Sheriffs of *London*, by Virtue of the ſaid *Replevin*; and upon Oath made of the manner of the taking, as aforeſaid, before the Barons; and upon view of the Preſident, in *Roll*'s Caſe, the ſaid Sir *Humphrey Davenport*, with the ſaid other Barons, adjudged that the ſaid Goods were not repleviſable, and granted an Injunction to maintain Poſſeſſion of them as they were before.

And the ſaid Houſe of Commons, by Proteſtation, ſaving to themſelves only the Liberties of exhibiting at any time hereafter, any other Accuſation or Impeachment againſt the ſaid Sir *Humphrey Davenport*, and alſo of replying to the Anſwer, that he the ſaid Sir *Humphrey Davenport*, ſhall make unto the ſaid Articles, or any of, or of offering them Proof of the Premiſes, or any of their Impeachments or Accuſations that ſhall be exhibited by them, as the Caſe ſhall (according to the Courſe of Parliaments) require, do pray that the ſaid Sir *Humphrey Davenport*, Lord Chief Baron of his Majeſty's Court of Exchequer, may be put to anſwer to all and every the Premiſes, and that ſuch Proceedings, Examinations, Tryals and Judgments, may be upon every of them had and uſed, as is agreeable to Law and Juſtice.

Articles

16 Car.

Articles of the Houſe of Commons, in the Name of themſelves, and of all the Commons of England, *againſt Sir* Richard Weſton *Kt. one of the Barons of His Majeſty's Court of* Exchequer, *Impeaching him as followeth.*

The Articles againſt Baron *Weſton.*

I. THat the ſaid Sir *Richard VWeſton*, about the Month of *November*, *An. Dom.* 1635. then being one of the Barons of His Majeſty's Court of *Exchequer*, and having taken an Oath for the due Adminiſtration of Juſtice to His Majeſty's Liege People, according to the Laws and Statutes of this Realm, Subſcribed his Name to an Opinion, *in hæc Verba.* [*I am of Opinion*, &c. ut Supra, *in Sir* Robert Berkley's Charge.]

II. That in or about the Month of *February*, *An. Dom.* 1636. the ſaid Sir *Richard Weſton* (being then one of the Barons of His Majeſty's Court of Exchequer) Subſcribed an Extrajudicial Opinion, in Anſwer to Queſtions in a Letter from His Majeſty, *in hæc verba.*

[C. R. *When the Good and Safety of the Kingdom in General is Concern'd*, &c. ut Supra.]

III. That the ſaid Sir *Richard Weſton* (being then one of the Barons of His Majeſty's Court of *Exchequer*) did deliver His Opinion and Judgment, in the *Exchequer Chamber*, againſt *John Hampden* Eſq; in the Caſe of Ship-Money; [*That he the ſaid* John Hampden, *&c.* As in Judge *Crawley*'s Charge.]

IV. That whereas in the Month of *April*, 16 *Caroli*, the Officers of the Cuſtom-Houſe, having ſeiz'd a Ship of one *Samuel Warners*, Laden with Tabaco, *&c.* [*As in the Impeachment of the Chief Baron.*]

And the ſaid Houſe of Commons by Proteſtation, ſaving to themſelves only the liberty of Exhibiting at any time hereafter, any other Accuſation or Impeachment againſt the ſaid Sir *Richard Weſton*, and alſo of Replying to the Anſwer, that he the ſaid Sir *Richard Weſton* ſhall make unto the ſaid Articles, or any of them, or of offering Proof of the Premiſes, or any of their Impeachments or Accuſations, that ſhall be Exhibited by them, as the Caſe ſhall (according to the Courſe of Parliaments) Require, do Pray, That the ſaid Sir *Richard Weſton*, one of the Barons of His Majeſty's Court of *Exchequer*, may be put to Anſwer, *&c.*

Articles of the Houſe of Commons, in the Name of themſelves, and of all the Commons of England, *againſt Sir* Thomas Trevor *Kt. one of the Barons of His Majeſty's Court of* Exchequer, *Impeaching him as followeth.*

The Charge againſt Baron *Trevor.*

I. THat in or about *November*, 4. *Caroli*, divers Goods and Merchandizes (whereof *John Rolls*, *George Moor*, and others, Merchants of *London*, were Proprietors) being Seized and Conveyed into certain Store-Houſes at the Cuſtom-Houſe, by Sir *John Worſtenham*, *Abraham Dawes*, and others the Farmers and Officers of the Cuſtoms, and by them there detained, becauſe the ſaid Proprietors refuſed to Pay the Subſidy of Tonnage and Poundage, pretended to be due, and Demanded by the ſaid Farmers and Officers, on His Majeſty's behalf, for the ſaid Merchandizes; whereas no ſuch Subſidy or Duty of Tonnage

An. 1641. or Poundage was due or payable for the ſame, no Subſidy of Tonnage and Poundage having been Granted by Parliament to His Majeſty. The ſaid *John Rolls*, and other the Proprietors of the ſaid Goods, having, by Reaſon of ſuch Unlawful Seiſure and Detainure, as aforeſaid, ſued forth one or more Writ or Writs, of *Replevin*, directed to the Sheriffs of *London* (being the proper Remedy provided by the Law, to regain the Poſſeſſion of Goods taken, and with-held from the Owners contrary to Law) the ſaid Sir *Thomas Trevor* Kt. then, and yet one of the Barons of His Majeſty's ſaid Court of *Exchequer*, together with the reſt of the then Barons of the ſaid Court, upon Information to them given, that the ſaid Proprietors, or ſome of them, had Sued forth, and did Proſecute ſuch Writ or Writs of *Replevin*, for the delivery of the ſaid Goods, did order an Injunction, under Seal of the ſaid Court, to Iſſue forth, directed to the Sheriffs of *London*, Commanding them thereby, not to Execute the ſaid Writ or Writs of *Replevin*, or any like Writ thereafter to be ſued forth, by any Perſon or Perſons, for the delivery of any Goods in the like nature detained: And did Declare, and Order Publickly in the ſaid Court of *Exchequer*, that the ſaid Goods by Law were not *Repleviſable*; Alledging for Cauſe, that the ſaid Goods were in the King's own Poſſeſſion; whereas the ſame did not Judicially appear to them, and they did well know, that the ſaid Goods were at that time in the Poſſeſſion of the Farmers and Leſſees of the ſaid Cuſtoms; and no Lawful Cauſe to them appearing, or ſuggeſted, of the taking and detaining of the ſaid Goods. Which Injunction and Declaration ſo granted and made, were, and are againſt the Laws of the Realm, and in Subverſion of the Common Right and Remedy of the Subject, for regaining the Poſſeſſion of his Goods, being taken and with-holden from him without Lawful Cauſe.

That the Sheriffs of *London* for the Time, being ſerved with the ſaid Injunction, did forbear to Execute the ſaid Writ or Writs of *Replevin*: By means whereof, the ſaid Goods continued ſo detained as aforeſaid, contrary to Law, from the ſaid Month of *November*, until the Month of *June* next following.

That the ſaid Sir *Thomas Trevor*, and other the Barons aforeſaid, knowing the ſaid Goods to be Unlawfully ſeized and detained, for the pretended Duties and Subſidy of Tonnage and Poundage, whereas no ſuch was payable by Law, did from time to time delay the reſpective Proprietors, from having Reſtitution of their ſaid Goods, being often in Court moved therein, with Intention thereby, to force the ſaid Proprietors (by wanting their Goods, and the Uſe thereof) to Pay all ſuch Sums, as the ſaid Officers of the Cuſtoms pretended to be due to His Majeſty.

That to the End aforeſaid, the ſaid Sir *Thomas Trevor*, and the ſaid other Barons refuſed to accept of any Security, to be given by the ſaid Proprietors, upon Reſtitution had of their Goods, for Payment of all ſuch Duties as ſhould be made appear to be payable to His Majeſty, in ſuch manner as the ſaid Barons ſhould direct.

That the ſaid Sir *Thomas Trevor*, and other the Barons aforeſaid, knowing the ſaid Sums demanded on His Majeſty's behalf, by the ſaid Officers of the Cuſtoms, not to be due by Law, did refuſe to order Reſtitution of any Part of thoſe Goods, ſo detained as aforeſaid, to the Proprietors thereof, unleſs the ſaid Proprietors would depoſite all ſuch Summs of Money, as the ſaid Officers Reſpectively Demanded of them for pretended Duties to His Majeſty; and the ſaid Proprietors refuſing to depoſite the ſaid Sums Demanded, the ſaid Sir *Thomas Trevor*, and other

other Barons aforeſaid, did Order the ſaid Officers to detain double the Value of the Sums by them Demanded, for pretended Duties to His Majeſty, and to Reſtore the Reſidue; the ſaid Sir *Thomas Trevor*, and other the ſaid Barons, then knowing that the pretended Sums Demanded by the ſaid Officers, were not by Law due or payable to His Majeſty. 16 *Car.*

II. That in or about *January*, 4 *Car.* the ſaid Officers having ſeized ſeveral Merchandizes, of the Goods of *Richard Chambers*, Merchant, upon the Pretence aforeſaid, did detain the ſame; and the ſaid *Chambers* Proſecuting by Plaint, to have his ſaid Goods Replevied; the ſaid Sir *Thomas Trevor*, together with the ſaid other Barons, did in like manner, in the ſaid Court of *Exchequer*, Declare the ſaid *Chambers* his Goods not to be Repleviſable; and enjoyned the Sheriffs of *London*, to proceed no further therein, no Cauſe to them appearing of ſuch Seiſure or Detainure. And the ſaid Sir *Thomas Trevor*, and other the Barons of the ſaid Court, refuſed to Order the delivery of the ſaid *Chambers* his Goods, upon good Security offered by him, to pay all ſuch Sums as ſhould be made appear to be due; and for which the ſaid Goods were pretended to be detained; and the ſaid Barons being often moved in Court therein, did refuſe to order Reſtitution of any Part of the ſaid *Chambers* his Goods, until the 23. of *November*, 5 *Car.* and then Ordered, that the ſaid Officers ſhould detain in their Hands double the Value of the Sums by them Demanded, and Reſtitution of the Reſidue to be made to the ſaid *Chambers*, no Cauſe of detaining any Part of the ſaid Goods to them in any wiſe appearing.

III. That whereas in the Month of *October*, in the Fourth year of His ſaid Majeſty's Reign, the Farmers and Officers of the Cuſtom-Houſe having ſeized great Quantities of Currans, being the Goods of *Samuel Vaſſall* Merchant, *&c.* [*As before in the other Charge; and alſo the Buſineſs of* Maleverer, *as before*]

IV. That the ſaid Sir *Thomas Trevor*, about the Month of *November*, 1635. then being one of the Barons of His Majeſty's Court of *Exchequer*, and having taken an Oath for the due Adminiſtration of Juſtice to His Majeſty's Liege People, according to the Laws and Statutes of this Realm, Subſcribed his Name to an Opinion, *in hæc Verba.* [*I am of Opinion*, &c. ut Supra.]

V. That in or about the Month of *February*, *An. Dom.* 1636. (then being one of the Barons of the ſaid Court of *Exchequer*) he Subſcribed an Extrajudicial Opinion, in Anſwer to Queſtions, in a Letter from His Majeſty, *in hæc Verba.*

[C. R. *When the Good and Safety of the Kingdom in General is Concern'd*, ut Supra.]

VI. That the ſaid Sir *Thomas Trevor* (being then one of the Barons of His Majeſty's Court of *Exchequer*) did deliver his Opinion and Judgment in the *Exchequer-Chamber*, againſt *John Hampden* Eſq; in the Caſe of Ship-money. That he the ſaid *John Hampden*, upon the Matter and Subſtance of the Caſe, was Chargeable with the Money then in queſtion: A Copy of which Proceedings and Judgment, the Commons in this preſent Parliament, have already delivered to your Lordſhips.

VII. That whereas in the Month of *April*, 16 *Carol.* the Officers of the Cuſtom-Houſe, having ſeized a Ship of one *Samuel VVarners*, Laden with Tabaco, *&c.* [*As before.*]

And the ſaid Houſe of Commons by Proteſtation, ſaving to themſelves only the Liberties of Exhibiting at any time hereafter, any other Accuſation or Impeachment againſt the ſaid Sir *Thomas Trevor*, and alſo of

An. 1641. of Replying to the Anſwer, that he the ſaid Sir *Thomas Trevor*, ſhall make unto the ſaid Articles or any of them; or of offering Proof of the Premiſes, or any of their Impeachments or Accuſations, that ſhall be Exhibited by them, as the Caſe ſhall (according to the Courſe of Parliaments) Require, do Pray that the ſaid Sir *Thomas Trevor*, one of the Barons of His Majeſty's Court of *Exchequer*, may be put to anſwer to all and every the Premiſes; and that ſuch Proceedings, Examinations, Tryals and Judgments, may be upon every of them had and uſed, as is agreeable to Law and Juſtice.

The reſt of Mr. *Hide*'s Speech againſt the Barons.

Your Lordſhips obſerve, That the Great Reſolution in Ship Money, was a Crime of ſo Prodigious a Nature, that it could not be eaſily ſwallowed and digeſted by the Conſciences even of theſe Men, but as they who are to Wraſtle or Run a Race, by degrees prepare themſelves by Dyet, and leſſer Eſſays, for the main Exerciſe; ſo theſe Judges enter themſelves, and harden their Hearts by more particular Treſpaſſes upon the Law; by Impoſitions and Taxes upon the Merchant in Trade, by Burdens and Preſſures upon the Gentry by Knighthood, before they could arrive at that Univerſal Deſtruction of the Kingdom by Ship Money, which promiſed Reward and Security for all their former Services, by doing the Work of a Parliament to His Majeſty in Supplies, and ſeemed to elude Juſtice, in leaving none to Judge them, by making the whole Kingdom Party to their Oppreſſion.

My Lords, of this Crime theſe Three Judges ſeem to be at leaſt equally Guilty; for however one of them, my Lord Chief Baron, is not Charged with that Judgment, in the *Exchequer-Chamber*, againſt Mr. *Hampden*, and how he failed in making his Concluſion from his own Premiſes, he only can inform you; your Lordſhips ſee how quickly he Repented, that that Miſchief was done without him there, by his overtaking his Brethren in his Circuit; and as he ſaid of the vileſt kind of Flatterers, *Crudeliſſimo ſervitutis genere, quod intra ſe abominabantur, palam laudabant*; he made all poſſible haſte to Redeem himſelf from that Imputation of Juſtice, and declared publickly in the Face of the Country, that it was adjudged by all the Judges of *England*, that Ship-Money was due to the King, though I believe he will be now glad to be thought none of thoſe Judges, and what others did he well knew; and thereupon Impriſon'd a Poor Man for doing that; which if Ship-Money had been due to His Majeſty by *Magna Charta*, had been Lawful for him to have done. Of the Reſolutions and Judgment it ſelf, I am not to ſpeak, your Lordſhips have paſſed your Noble Judgment.

My Lords, the Firſt Charge in order is, That Preſumptuous Decree againſt Mr. *Rolls* and others; and in truth whatever Gloſs they put upon it, it is no other than a Plain Grant of the Subſidy of Tonnage and Poundage to His Majeſty upon all Merchandize. After their Goods ſeized for Non-payment of that pretended Duty, the Proprietors brought *Replevins* (which is the Natural and Genuine Remedy, appointed by Law in Caſe of Property, and grounded upon Property) the Court Awards an Injunction to ſtay theſe *Replevins*: the Goods were in the King's Poſſeſſion, and no *Replevin* would lie againſt the King. Truly, My Lords, the Injuſtice here is not ſo ſcandalous as the Fraud; we all know a *Replevin* (as no other Suit) lies againſt the King, if the Goods be in his own Hands, in his Bed Chamber; but to call a Seizure by the Farmers (of whoſe Intereſt this Court will not deny the Notice; and if His Majeſty had any Right, they well knew he had transferred it to theſe Men) or the Ware-houſes of the Cuſtomers, the King's Poſſeſſion, to defeat the Subject of his proper Remedy, was the boldeſt Piece of *Sophiſtry* we have met with in a Court of Law: Pardon me if I be tranſported: The Civilians ſay, *Tutor Domini loco habetur, cum rem adminiſtrat, non cum pupillum ſpoliat*: The Office of Judges is to preſerve and give Remedy for Right; here they found a Right, a known and unqueſtionable Right; yet inſtead of aſſiſting took away the Remedy, to preſerve that Right. What ſhall we call theſe Judges? My Lords, in this Argument I am not willing to ſay much; 'tis enough that your Lordſhips know Tonnage and Poundage is not a Duty to the Crown, but a Subſidy, and ſo Granted *in Subſidium*; ſometimes *pro unâ vice tantum*, ſometimes for years, and then ceaſed when the Time did expire; that when it was firſt Granted for Life, it was with

16 *Car.*

with this Clauſe: *Ita quod non trahatur in exemplum futuris Regibus.* But 'tis abundantly enough, that his Sacred Majeſty cannot be tainted with the Advices and Judgments of theſe Men, but looks on this Duty ſingly, as the meer Affection and Bounty of his Subjects; the which, no doubt, he ſhall never want.

My Lords, The next Charge is concerning Impoſitions; Mr. *Vaſſall*'s Goods are ſeized for not paying Impoſt, which he conceived to be againſt Law; he is impriſoned, and Judgment given againſt him, without ſuffering him to be heard, upon point of Right, becauſe it had been heretofore judged in *Bates*'s Caſe: And yet theſe very Judges have not thought themſelves ſo bound up by former Judgments, but that ſince this time they have argued a Caſe upon the ſame Point, which was adjudged in *Hillary* Term, in the 15 *Eliz.* and confirmed after by all the Judges of *England* in a Writ of Error in the Twenty firſt year of that Queen's Reign; 'tis *Walſingham*'s Caſe: However the ſame Modeſty ſeized them again, in the Caſe of a Noble Lord, not now preſent: Whether the King, without Aſſent of Parliament, may ſet Impoſitions upon the Wares and Goods of Merchants, is now no new Queſtion; it hath been more than once debated in Parliament; and indeed whilſt it was a Queſtion, was fitteſt for a Parliament. I will not trouble your Lordſhips long: 'tis now reſolved, and nothing new can be ſaid in this Argument, though I may have leave to ſay, if the King can by his Letters Patents, create ſuch a Right to himſelf, and by a Legal Courſe recover that Right under ſuch a Title, ſuch Letters Patents are in no degree Inferiour to an Act of Parliament; to reconcile ſuch a Power in the Prince, and the Property of the Subject, that the one muſt not be deſtructive to the other, will require a much greater, a ſubtler Underſtanding than I pretend to. But, *my Lords,* I do not think the Judgment in this Point, to be ſo great a Crime in theſe Judges, as that they preſumed to *judge at all*; the matter had been long debated in Parliament undetermined, and therefore not within the Cognizance of an Inferiour Court; had it not been true that *Forteſcue* ſays in his 36 Chapter of the Laws of *England*: *Neque Rex per ſe aut Miniſtros ſuos, Tallagia, Subſidia, aut quævis onera alia imponit,* &c. *ſine conceſſione vel aſſenſu totius Regni ſui in Parliamento ſuo expreſſo,* &c. If the Statute *de Tallagio non Concedendo*; if the thirtieth Chapter of *Magna Charta,* and all the other Statutes to that purpoſe be not clear in the Point, they might eaſily have apprehended ſo much *weight,* ſo much difficulty in the Queſtion (eſpecially ſince in all our *Law-Books,* not ſo much as the Word Impoſition is found, until the Caſe in my Lord *Dyer* of 1 *Eliz. fol.* 163.) that they might very well have ſuſpected themſelves to be no *Competent Judges* for that Determination, and I hope by the Experience of this Parliament, the Judges will recover that *ancient Modeſty,* to believe that ſome Caſes may fall out that may not be properly within their Juriſdiction. In the ninth Year of *Edw.* 2. ('tis in the Parliament Rolls) it being found by *an Office,* after the Death of *Gilbert de Clare,* Earl of *Gloceſter,* that his Siſters were his Heirs, *niſi Comitiſſa Gloceſtriæ eſſet pregnans,* the Queſtion was, Whether the King might grant the Heirs their Livery *in Prejudicium Impregnaturæ*: This was conceived *Negotium novum & difficile*; and the King having commanded the Chancellor and Judges to deliver their Opinion in Writing; they returned, *Quod non Audebant Dictum Negotium definire, nec Domino Regi Conſulere ſine conſenſu Magnatum, propter raritatem & difficultatem*: Whereupon Day was given to the Parties, *ad proximum Parliamentum.* And your Lordſhips well know the ſpecial Care that is taken by the Statute of 14 *Edw.* 3. *Cap.* 5. that ſuch Matters, as for the difficulty, are not fit for the *Judges*; or through eminent Delay, are not diſpatched by the Judges, ſhall be determined in Parliament: not ſuch matters as the Parties concerned, had rather venture on your Lordſhips Judgments, than upon the Rules, and proceedings of the Law. (God knows what Miſchief and Confuſion may fall out upon that Admiſſion.) There muſt be ſuch difficulty, ſuch Delay, before that Statute meant your Lordſhips Juſtice ſhould be concerned in the Reſolution. I wiſh theſe Gentlemen had thought this Buſineſs a matter of that Difficulty as had been fit for ſuch a Delay.

My Lords, We come next to the Charge concerning Knighthood. Mr. *Maleverer* appears upon the Proceſs of that Court, pleads and ſubmits to his Fine: *ponit ſe in gratiam curiæ*: The Barons refuſe to impoſe any Fine; they had no Power to do that; he muſt treat with certain Commiſſioners appointed for that purpoſe,

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purpoſe, and compound with them. Your Lordſhips have not met in the ſame Men ſuch *Contradictions of Crimes*; Who would ſuſpect the ſame Men in one Charge, to have the *Mettle* to Uſurp the Power, and exerciſe the Juriſdiction of the Higheſt Court, the Court of Parliament, and preſently to want the Spirit to do that which was ſo reſtrained and peculiar to their Places to have done, as that none elſe could do it? They had no *Power to fine*; as if the whole Buſineſs of ſworn Judges in a Court of Law, were to ſummon and call men thither, and then to ſend them on Errands to other Commiſſioners for Juſtice. 'Tis true, the Commiſſions of 1 *Edw.* 2. to *Tiptoffe* and *Berk*, and ſince to others, were and have been to compound with thoſe who deſired to compound, not otherwiſe. They had no power to compel any, to *fine any*; that Truſt, by Law, was and is only in the Judges. So that if this Duty were a Right to his Majeſty, and the Perſons liable refuſe to compound, for ought theſe Judges can do, the King muſt loſe this Duty: they can impoſe no Fine, only they have found a trick, which they call the *Courſe of the Court*, to make his Majeſty a Saver. Appear while you will, plead what you will, ſubmit to the Mercy of the Court, *Iſſues* ſhall go on ſtill, as if you did neither, till you have done ſomewhat that the Court will not order you to do, nor is bound to take notice of when you have done; your Lordſhips will help us out of this Circle? And that you may ſee how uncapable they are of any Excuſe in this point, the very *Mittimus* out of the Chancery gives them expreſs command amongſt other things, *Ut fines omnium illorum qui juxta Proclamationem prædict. ordinem ante prædict. diem ſuſcepiſſe debuerant, Capiatis*, &c. 'Tis only worth your Lordſhips Obſervation: This Misfortune commonly attends (and may it ever) thoſe Obſolete, diſuſed Rights, that be the thing in it ſelf in a Degree Lawful, the Adviſers and Miniſters of it ſo fail in the Execution, that, as it uſually proves as grievous to the Subject, ſo by ſome Circumſtances it proves as penal to the Inſtruments, as if it were in the very Nature of the thing, againſt all the Laws of Government.

I have wearied your Lordſhips: you ſee in what a dreſs of Injuſtice, Subtlety and Oppreſſion I am very unwillingly compelled to preſent theſe Judges to you. If they appear to your Lordſhips under any other Character, of *known* and confeſſed *Learning* in the whole Courſe of their Lives, how far that will aggravate their Fault, your Lordſhips muſt only judge; if under the excuſe of *Ignorance*, or not much Knowledge in the Duty of their Places, your Lordſhips will eaſily conclude, what infinite Miſchief, of which your Lordſhips have no particular Information, the Subjects of this Kingdom have ſuffered in their Lives, in their Fortunes, under ſuch Ignorance and Preſumption. If under the Reputation of Prudence and Integrity in all Caſes, except theſe preſented to your Lordſhips; your Lordſhips will be at leaſt of the ſame Opinion, that he of *Lacedæmon* was of the *Athenians*, if they carried themſelves well, when time was, and now *ill*, they deſerve a *double* Puniſhment; becauſe they are *not Good*, as they were, and becauſe they are *Evil*, as they were not.

My Lords, If the excellent, envied Conſtitution of this Kingdom, hath been of late diſtempered, your Lordſhips ſee the Cauſes: If the ſweet Harmony between the King's Protection and the Subjects Obedience, hath unluckily ſuffered Interruption: If the Royal Juſtice and Honour of the beſt of Kings hath been miſtaken by his People: If the Duty and Affection of the moſt Faithful and Loyal Nation, hath been ſuſpected by their Gracious Sovereign: If by theſe Miſrepreſentations, and theſe Miſunderſtandings, the King and People have been robb'd of the Delight and Comfort of each other, and the bleſſed Peace of this Iſland been ſhaken and frighted into Tumults and Commotion, into the Poverty, though not into the Rage of War, as a People prepared for Deſtruction and Deſolation: Theſe are the Men that actively or paſſively, by *doing* or *not doing*, have brought this upon us: *Miſera ſervitus falſo pax vocatur: ubi Judicia deficiunt, incipit Bellum.*

My Lords, I am commanded by the Houſe of Commons, to deſire your Lordſhips, that theſe Three Judges may be ſpeedily required to make their Anſwers to theſe Impeachments, and that ſuch further Proceedings may be had againſt them, as the Courſe and Juſtice of Parliament will admit.

At

16 *Car.*

At the ſame time Mr. *Hollis* made a Speech in the behalf of Sir *Randal Crew*, ſometimes Lord Chief Juſtice of the King's-Bench, but removed for his Opinion againſt Loan-Money, deſiring his Majeſty might be moved for his reſtoring.

Mr. Hollis's *Speech concerning Sir* Randal Crew.

My Lords,

THeſe Gentlemen have repreſented unto your Lordſhips the ſad Object of Juſtice perverted, Liberty oppreſſed, Judgment turned into Wormwood, the Laws, which ſhould be the Bars of our Gates to protect us, keep us, and all that is ours in Safety, made weak and impotent, to betray us into the Hands of Violence; inſtead of Props to ſupport us, become broken Reeds to deceive us, and run into our ſides, when we lean upon them; even ſo many Snares to entrap and entangle us.

And all this by the perfidiouſneſs of thoſe who are entruſted with our Laws, who call themſelves the Guardians, and the Interpreters of the Law, but by their accurſed Gloſſes have confounded the Text, and made it ſpeak another Language and another Sence, than ever our Anceſtors, the Law-makers, intended.

Our Anceſtors made Laws to keep themſelves and their Poſterity after them in the Poſſeſſion of their Eſtates, theſe Judges could make the Law it ſelf rob us and deſpoil us of our Eſtates: Were we invaded and perſecuted at any time for pretended Crimes, or rather becauſe we were free from Crimes? And did we put our ſelves upon a Legal Defence, and ſhelter our ſelves under the Buckler of the Law, uſe theſe Lawful Weapons which Juſtice and Truth, and the common Right of the Subject did put into our Hands, would this avail us? theſe Judges would make the Law wreſt our Weapons from us, diſarm us, take away all our Defence, expunge our Anſwers, even bind us Hand and Foot, and ſo expoſe us naked and bound to the Merciſulneſs of our Oppreſſors. Were our Perſons forced and impriſoned by an Act of Power? would the Law relieve us when we appealed unto it? No, it would joyn Hands with Violence, and bitterneſs to our Sorrow. Theſe Judges would not hear us when we did cry; no opportunity could get a *Habeas Corpus*; nay, our Cries would diſpleaſe them, and they would beat us for crying, and over-do the unjuſt Judge in the Goſpel, with whom yet importunity could prevail.

My Lords, The Commons of *England*, finding themſelves in this lamentable Condition by the Wickedneſs of theſe Judges, it is no wonder that we complain of them: It is no wonder if the Knights, Citizens, and Burgeſſes aſſembled in Parliament, have ſent up ſome of their Members to ſtand upon Mount *Ebal*, to curſe theſe Judges; to denounce a Curſe upon them who have removed our Land-marks, have taken the Bound-Stones of the Propriety of the Subject, have left no *Meum* and *Tuum*; but he that had moſt Might had moſt Right, and the Law was ſure to be of his ſide.

It hath been the part of theſe Gentlemen before, to pray for Juſtice upon theſe Men, who would not do Juſtice to others. *My Lords*, I come upon another Errand, and yet for Juſtice too, for there is Juſtice upon Mount *Gerizim*, as well as upon Mount *Ebal*. It is a great point of Juſtice to give a Bleſſing and Reward where it is due. For Reward and Puniſhment, *præmium & pœna*, be the Two Legs that Juſtice walks on, and Reward is her Right Leg, the more Noble and the more glorious Supporter of that Sacred and Divine Body, that which God himſelf, the Foundation of Juſtice, doth more delight in.

Tardior ad pœnas Deus eſt ad præmia velox.

Puniſhment is good as Phyſick in the Conſequence, Reward as wholſom and nouriſhing Food in the Eſſence; the one we do, becauſe we muſt do it as neceſſary; the other becauſe we love to do it, as being pleaſing and delightful. Your Lordſhips then, I doubt not, will as willingly joyn with the Commons in doing good to a good Judge, as in puniſhing of the bad.

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My Lords, We honour them, and reckon them Martyrs for the Commonwealth, who ſuffer any thing by defending the common right of the Subject, when they will not part with their own contrary to Law; when indeed their private Intereſt goes along with it, or rather before it; and the publick Concernment ſeems to come but in a ſecond place; ſuch were thoſe many whom theſe Judges have oppreſſed: Yet theſe Men we magnifie, and judge worthy of Praiſe and Reward.

But what Honour then is he worthy of, who meerly for the publick, hath ſuffered himſelf to be diveſted and deprived of his particular; ſuch a Judge as would loſe his place rather than do that which his Conſcience told him was prejudicial to the Commonwealth; Is not he worthy of double Honour?

And this did that worthy reverend Judge, the Chief Judge of *England* at that time, Sir *Randal Crew*; becauſe he would not, by ſubſcribing, countenance the Loan in the firſt year of the King, contrary to his Oath and Conſcience, he drew upon himſelf the diſpleaſure of ſome great Perſons about his Majeſty, who put on that Project, which was afterwards condemned by the Petition of Right, in the Parliament of the 3*d*. as unjuſt and unlawful, and by that Means he loſt his Place of Chief Juſtice of the King's Bench, and hath theſe Fourteen Years, by keeping his Innocency, loſt the Profit of that Office, which upon a juſt Calculation, in ſo long a Revolution of time, amounts to 26000 *l.* or thereabouts.

He kept his Innocency, when others let theirs go, when himſelf and the Commonwealth were alike deſerted, which raiſes his Merit to a higher pitch: For to be honeſt when every body elſe is honeſt, when Honeſty is in faſhion, and is Trump, as I may ſay, is nothing ſo meritorious; but to ſtand alone in the Breach, to own Honeſty when others dare not do it, cannot be ſufficiently applauded, nor ſufficiently rewarded; and that did this good old Man do; in a time of general Deſertion, he preſerved himſelf pure and untainted.

Temporibuſq; malis auſus es eſſe bonus.

My Lords, The Houſe of Commons are therefore Suitors unto your Lordſhips to joyn with them in the Repreſentation of this good Man's Caſe unto his Majeſty, and humbly to beſeech his Majeſty to be ſo Good and Gracious unto him, as to give him ſuch Honour (the Quality of his Caſe conſidered) as may be a noble Mark of Sovereign Grace and Favour, to remain to him and his Poſterity, and may be in ſome meaſure a proportionable Compenſation for the great loſs he hath with ſo much Patience and Reſolution ſuſtained.

July 7. Letter from Gen. *Leſley*.

This Day the Earl of *Holland*, Lord-General, communicated a Letter to the Houſe of Lords, from General *Leſley*, Dated at *Darlington* in the County of *Durham*, the 2*d* inſtant, Declaring his Reſolution, with all poſſible diligence, to move the Army *Northwards*; and that their retiring ſhould be ſo as to take away all Jealouſie from the *Engliſh* Army of their abode in that part of the Country, and that he hoped ſuch a ſure Ground was laid, That all the Enemies to his Majeſty's three Kingdoms would have as much Cauſe to fear the ill Effects as to them of their Union, as they had matter of rejoicing at the too long Diſcord between them.

Manifeſto touching the Elector Palatine, read *July* 7.

The *Manifeſto* touching the Prince Elector Palatine was read, and a Committee appointed to ſearch the Journal 21 *Jacobi*, and 1 *Car.* to ſee what they can find concerning the reſtoring of the Prince Elector Palatine to his Right and Poſſeſſions, and to preſent to the Houſe, whatſoever they find worthy the Knowledge of this Houſe touching this Matter.

Patents for Projects.

That a Warrant iſſue forth to the Clerk of the Crown, or other Officers whatſoever, forthwith to return to the Houſe a Catalogue of all ſuch Patents concerning Projects as have paſſed ſince 1 *Car.*

A Bill to ſecure the Subject from unlawful reſtraint, *July* 8.

A Bill for the ſecuring of the Subjects of this Realm from unlawful Reſtraint, Impriſonment, *&c.* by Lords, and others of the Privy-Council, or other Officers, read the firſt time.

Report

16 *Car.* Report made of breach of Priviledge 3 *Car.*

Report was made concerning breach of Priviledge 3. *Car.* in reference to Mr. *Hollis*, Mr. *Selden*, Sir *John Elliot*, &c.

Reſolved, That the iſſuing out of the Warrants from the Lords and others of the Privy-Council, compelling Mr. *Hollis*, and ſome other Members of that Parliament, 3 *Car.* (during that Parliament) to appear before them, is a breach of the Priviledge of Parliament by thoſe Privy Councellors.

Reſolved, That the committing of Mr. *Hollis* and the reſt, by the Lords and others of the Privy-Council, during that Parliament, is a Breach of the Priviledge of Parliament by thoſe Lords and others.

Reſolved, That the ſearching and ſealing of the Chamber, and ſeizing of the Papers of Mr. *Hollis*, Mr. *Selden*, and Sir *John Elliot*, being Members of this Houſe, during that Parliament, and iſſuing of Warrants to that purpoſe, was a breach of the Priviledge of Parliament.

Reſolved, That the exhibiting of an Information in the Court of Star-Chamber, againſt Mr. *Hollis* and the reſt, for matters done in Parliament, being Members of that Parliament, and the ſame ſo appearing in the Information, is a Breach of the Priviledge of Parliament.

Reſolved, That Sir *Rob. Heath*, Sir *Hum. Davenport*, Sir *Henneage Finch*, Mr. *Hudſon*, Sir *Rob. Berkley*, that ſubſcribed their Names to the Information, are guilty thereby of the Breach of the Priviledge of Parliament.

Reſolved, That there was delay of Juſtice toward Mr. *Hollis* and the reſt that appeared upon *Habeas Corpus*, in that they were not bailed in *Eaſter* and *Trinity* Term 5 *Car.*

Reſolved, That Sir *Nicholas Hide*, Lord Chief Juſtice of the King's-Bench is guilty of this delay.

Reſolved, That Sir *James Whitlock*, then one of the Juſtices of the Court of King's Bench, is not guilty of this Delay.

Afterwards, on *July* 8. theſe further *Reſolves* were made.

Judge *Crook.*

Reſolved, That Sir *George Crook*, Knight, one of the Judges of the King's-Bench, is not guilty of this Delay.

Information *Banco Regis* againſt Mr. *Hollis*, Mr. *Selden* &c.

Reſolved, That the continuance of Mr. *Hollis* and the reſt of the Members of Parliament 3 *Car.* in Priſon, by the then Judges of the King's-Bench, for not putting in Sureties to the good Behaviour, was without juſt or legal Cauſe.

Reſolved, That the exhibiting of the Information in the King's Bench againſt Mr. *Hollis*, Sir *John Elliot*, and Mr. *Valentine*, being Members of Parliament, was a Breach of the Priviledge of Parliament.

Reſolved, That the over-ruling of the Plea pleaded by Mr. *Hollis*, Sir *John Elliot*, &c. upon the Information to the Juriſdiction of the Court, was againſt the Law and Priviledge of Parliament.

Reſolved, That the Judgment given upon a *Nihil dicit*, againſt Mr. *Hollis*, Sir *J. Elliot*, &c. and their Fine thereupon ſet, and their ſeveral Impriſonments thereupon, was againſt the Law and Priviledge of Parliament.

Reſolved, That Mr. *Hollis*, Mr. *Stroud*, Mr. *Valentine*, and Mr. *Long*, and the Heirs and Executors of Sir *John Elliot*, and Sir *Miles Hubbard*, reſpectively, ought to have Reparation for their reſpective Damages and Sufferings, againſt the Lords and others of the Council, by whoſe Warrant they were apprehended and committed, and againſt the Council that put their Hands to the Information in the Star-Chamber, and againſt the Judges of the King's-Bench.

Mr. *Whitacre* committed to the Tower.

Reſolved, That Mr. *Laurence Whitacre*, a Member of this Houſe, be ſent to the *Tower*, for ſearching the Trunks of Sir *John Elliot*, and for ſeizing and carrying away his Papers: And Mr. *Whitacre* kneeling at the Bar, was accordingly committed to the *Tower*.

No Ambaſſador to protect Natives, Prieſts or Papiſts, *July* 8.

This Houſe doth declare, That no Foreign Ambaſſador whatſoever ought to

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to ſhelter or Harbour any Popiſh Prieſt, or Jeſuit, that are Natives of the King's Dominions, under pretence of being their Servant, or otherwiſe; and the Committee of this Houſe for the Ten Propoſitions, ſhall preſent this to the Lords, to petition his Majeſty therein.

Ceſſation.

Reſolved, That a Ceſſation of Arms with the *Scots*, be agreed unto, on the former Terms, if the Treaty ſo long laſt.

Biſhops Lands to be put into Feoffees hands *July* 9.

Some Debate the Houſe had this Day upon the Bill againſt Epiſcopacy, concerning Biſhops Lands, that they might be put into the Hands of Feoffees, Nine of the Laity, and Three of the Clergy in every Dioceſs, and the reſt of the Lands belonging to Deans and their Dependants, to be imployed for the Advancement of Learning: and the Biſhops to have competent Allowance during their Lives.

It was likewiſe propoſed, That theſe Feoffees ſhould have Power to exerciſe all Eccleſiaſtical Juriſdiction within this Kingdom, as ſhall be ordered by Act of Parliament.

Two Regiments already disbanded. Popiſh Prieſts.

Mr. *Capel* Reports, That the Regiment at *Hull*, and Colonel *Vavaſor*'s are already disbanded.

One *Williams* a Popiſh Prieſt brought before the Houſe, was committed to the *Gate-houſe*, and a Warrant iſſued out againſt another Prieſt in *London*.

Proteſtation proteſted. *July* 10.

Ordered, That the Book entituled, *The Proteſtation Proteſted*, be referred to the Committee for Printing.

Biſhops. *Mond. July* 12. Notice to the Lord *Digby* to attend a Report to be made againſt him.

Upon a further Debate of the Bill againſt Biſhops, inſtead of the Words [*Competent Allowance*] it was ordered, That the Biſhops, Deans, *&c.* ſhall have a liberal Allowance during Life.

The Serjeant at Arms gives an Account, That he had given Intimation to the Lord *Digby*, That Sir *John Evelin* was this Day to make his Report concerning the publiſhing in Print, a *Speech* of his, ſpoken upon paſſing the Bill of Attainder againſt *Thomas* Earl of *Strafford*.

That no Member print his Speech. Speech of the Lord *Digby* voted to be untrue and ſcandalous, *July* 13.

Reſolved, That no Member of this Houſe ſhall either give a Copy, or publiſh in Print, any thing that he ſhall ſpeak here, without leave of the Houſe.

Reſolved, That the Lord *Digby*'s Speech contains within it matters untrue and ſcandalous, as they have reference to the Proceedings of the Committees of the Lords Houſe, and to the Committees of this Houſe, and to the Evidences of the Witneſſes produced in that Caſe; and that the publiſhing of that Speech, after a Vote paſſed in the Houſe upon the ſaid Bill, and Offence taken to it, and the ſame queſtioned in the Houſe, is ſcandalous to the Proceedings of this Houſe, and a Crime.

Sir *Lewis Dives*, a Delinquent for printing the ſaid Speech. The Speech to be burnt by the Hangman.

Reſolved, That Sir *Lewis Dives*, and Mr. *John Digby*, are both Delinquents in the publiſhing and printing the Speech of *George* Lord *Digby*.

That the Speech ſhall be burnt in the New Palace at *Weſtminſter*, *Cheapſide*, and *Smithfield*, and this to be done by the Hands of the Common Hangman.

That no Honour be conferred on the Lord *Digby*.

That both Houſes do move his Majeſty to forbear to confer any Honour or Imployment upon the Perſon of *George* Lord *Digby*, who hath deſerved ſo ill of the Parliament.

Foreſts Bill to be ingroſſed.

Mr. *Palmer* Reports the Bill of Foreſts, reducing them to ancient Limits and Bounds, which was ordered to be ingroſſed.

Biſhop of *Ely*.

The Articles againſt the Biſhop of *Ely* being ingroſſed, were read.

Sir *Thomas Widdrington* to manage the Conference.

Sir *Thomas Widdrington*, was ordered to manage the Conference concerning the Biſhop of *Ely*.

Queen to ſtay her Journey.

The Houſe of Commons receiving a Report of the Queen's deſire to go to the *Spaw* for the recovery of her Health (which her Majeſty alledged was much impaired by ſome diſcontents of mind, and falſe Rumours and Libels ſpread concerning her;) they fell into Debate thereupon, and deſired a Conference with the Lords; who did agree with the Commons,

to

to deſire his Majeſty to perſwade the Queen to ſtay her Journey into *Holland*: And that a Committee of both Houſes may attend for that purpoſe. 16 Car.

Hereupon the King declares, That he will give both Houſes a meeting this Day in the Banquetting Houſe, about the Queen: At which time theſe Conſiderations following, for ſtay of the Queen's Journey, were preſented to his Majeſty, *viz.* July 14.

Conſiderations to be offered to ſtay the Queen's Journey.

I. THere is great Cauſe to doubt, leſt the Papiſts have ſome Deſign upon her Majeſty's Journey; becauſe the Houſe hath been informed, that divers of them have ſold off their Lands to a good value, and uſed other means to get ready Money. 2. It is obſerved ſome of them have been very diligent, gathering great quantities of Gold. 3. It is informed that more than an ordinary number of Papiſts are gone beyond Sea already, and thoſe of the better ſort.

II. The great number of *Engliſh Fugitives* now beyond the Seas; who by their late Deſigns and Practices are known to be full of Malice to the State, and will, no doubt, ſeek all opportunities of Acceſs to her Majeſty; and, as much as they can, labour to infuſe into her ſuch *Evil Counſels*, as may trouble the Peace of the Kingdom, whereof at this time there is more danger, becauſe the Affairs of the Kingdom are not yet fully ſetled; and upon disbanding of the Army all parts will abound with Soldiers and ſuch others, as will be apt to be provoked to Tumults and Seditions, eſpecially in the time of the King's Abſence in *Scotland*.

III. That the Houſe of Commons have received Informations of great quantity of Treaſure, in Jewels, Plate, and ready Money pack'd up, to be conveyed away with the Queen; not only in ſuch a Proportion as the preſent occaſions, with due reſpect to her Majeſty's Honour, may ſeem to require: but a far greater quantity; and that divers Papiſts and others, under pretence of his Majeſty's Goods, are like to convey great Sums of Money and other Treaſure beyond the Seas; which will not only impoveriſh the State, but may be employed to the fomenting of ſome miſchievous Attempts, to the trouble of the Publick Peace.

IV. That as it will be a great Diſhonour to the State, if her Majeſty ſhould not be attended and furniſhed ſuitable to her Quality, ſo it will be a very heavy burden in this time of great neceſſity, and Occaſions of other publick Charges, if ſhe ſhall be provided in ſo Royal a manner, as ſhall be fit for her Majeſty, and the Honour of the King and Kingdom.

V. That becauſe we underſtand by Sir *Theodore Mayern*, that the chief Cauſe of her Majeſty's Sickneſs and Diſtemper, proceeds from the diſcontent of her Mind; the Houſe of Commons hath thought good to declare, That if any thing within the Power of Parliament, may give her Majeſty Contentment, they are ſo tender of her Health, both in due reſpect of his moſt Excellent Majeſty and her ſelf, that they will be ready to further her Satisfaction in all things, ſo far as may ſtand with the Publick, to which they are obliged.

VI. That the Commons conceive it will be ſome diſhonour to this Nation if her Majeſty ſhould, at this unſeaſonable time, go out of the Kingdom upon any Grief or Diſcontent received there; and therefore we ſhall labour by all good means, to take away and prevent all juſt Occaſions of her Majeſty's Trouble, in ſuch manner as may further her Content, and therein her Health; which will be a very great Comfort and Joy to our ſelves, and the reſt of his Majeſty's loving Subjects.

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Upon theſe Reaſons, his Majeſty being well ſatisfied, deſired they would take a convenient time to ſatisfie the Queen concerning it.

And her Majeſty ſoon after ſent a Meſſage to both Houſes, to the Effect following, *viz.*

The Queen gives Thanks to both Houſes of Parliament.

'I give many Thanks to both Houſes of Parliament for their Care of 'my Health, and their Affection to my Happineſs: I hope I ſhall ſee the 'Effect of it. Truly nothing but my Health could have made me *reſolve* 'on this Journey; and if I thought I could ſerve the King and this King-'dom with the hazard of my Life, I would do it. And I hope you 'believe I have ſo much Intereſt in the Good of this Kingdom, that I ſhall 'never wiſh any thing to the Prejudice of it.

July 17. Both Houſes afterwards, by a Committee of Six Lords, and Twelve of the Commons, made an humble Addreſs to her Majeſty, and returned *Thanks* to her Majeſty for this Gracious Meſſage; declaring, That they have with very much Comfort and Thankfulneſs received that Gracious Meſſage, whereby your Majeſty hath been pleaſed to declare your Reſolution to ſtay your intended Journey at their humble deſire; which, they hope, will be no prejudice for the recovery of your Health, but rather an Advancement of it, by that Contentment which you will receive from the continual Expreſſions of their Affection and Zeal for your Service; and their Endeavours ſhall concur in all things to your Majeſty's Welfare and Proſperity.

July 17. Lord Chamberlain and Lord *Mowbray* ſent to the *Tower*.

A Committee of Lords ſitting this Day touching the Priviledges of Parliament, a great Controverſie, or falling out in Words, hapned between the Earl of *Pembroke*, Lord Chamberlain, and the Lord *Mowbray*: Upon which, the Committee riſing, complaint was made to his Majeſty, and they thereupon both confined to their Chambers; and the next Day, upon the hearing of the matter in the Houſe, they were both committed to the *Tower*. The Earl of *Pembroke* about a Week after, by his Petition to the Houſe of Lords, made his Submiſſion, and deſired that he might be diſcharged of his Impriſonment, and have leave to retire into the Country to live privately. And ſoon after both he and the Lord *Mowbray* were diſcharged; and the Earl of *Pembroke* took his leave of the Court.

That no Ambaſſador retain any Prieſt that is a Native. *July* 17.

A Meſſage from the King, That his Majeſty thinks fit, that all Ambaſſadors ſhould have it declared unto them, in his Majeſty's Name, that they retain no Prieſt Native in any of his Majeſty's Dominions, That the Prieſt now apprehended, belonging to the *Venetian* Ambaſſador, do depart the Kingdom, and not return again at his Peril: This Favour his Majeſty thinks fit to ſhew, becauſe the Ambaſſador is ignorant of the Laws of the Land.

Mond. July 19 *Inigo Jones*, and St. *Gregories* Church Bill againſt *John James*, who ſtabb'd *Heywood*. *July* 20.

The Charge ingroſſed againſt *Inigo Jones* upon the Complaint of the Pariſhioners of St. *Gregories*, (being employed to pull down St. *Gregories* Church, near *Paul's*,) was read.

Report was made of the Bill for forfeiture of the Lands of *John James*, who ſtabbed Mr. *Heywood*, and the further Puniſhment of him, deferred to another time.

The Articles of Impeachment againſt Biſhop *Wren*, were carried up to the Lords, and a ſmart aggravating Speech made at the delivery of them, by Sir *Thomas Widdrington*.

Articles

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Articles of Impeachment againſt Matthew Wren, *Doctor in Divinity, late Biſhop of* Norwich, *and now Biſhop of* Ely.

THat the ſaid *Matthew Wren*, being Popiſhly and Superſtitiouſly affected, did, at his firſt coming to be Biſhop of *Norwich*, which was in the Year 1635. endeavour by ſundry ways and means to ſuppreſs the powerful and painful preaching of the Word of God, did introduce divers Orders and Injunctions, tending to Superſtition and Idolatry, did diſturb and diſquiet the orderly and ſetled Eſtate of the Miniſters and People, and Churches of that Dioceſs, to the great Prejudice of his Majeſty, the great Grief and Diſquiet, and hazard of the Eſtates, Conſciences, and Lives of many of his Majeſty's Loyal Subjects there, to the manifeſt bringing in, and encreaſing of Prophaneneſs, Ignorance and Diſobedience in the Common People, as by the Particulars enſuing may appear.

I. Whereas many Chancels of Churches, during all the time of Queen *Elizabeth*, King *James*, and of his Majeſty that now is, had laid and been continued even and flat, without any ſteps aſcending towards the Eaſt end of the ſame, and are by the Rubrick in the Book of Common-Prayer, ordered to continue as they were, and ſo ought to have continued; he, of his own Mind and Will, without any lawful Warrant or Authority, in the year 1636. being then Biſhop of *Norwich*, ordered and enjoyned, that the ſame ſhould be raiſed towards the Eaſt-end, ſome Two, ſome Three, ſome Four Steps, that ſo the Communion-Table there placed Altarwiſe, might be the better ſeen of the People.

II. He in the ſame Year 1636. ordered, That the Communion-Table, which is appointed by the ſaid Rubrick, at the time of the Celebration of the Holy Communion, to be placed in the Body of the Church or Chancel, where Divine Prayers are uſually read, and where the People might beſt hear, ſhould be ſet up cloſe under the Wall at the Eaſt-end of the Chancel, Altarwiſe, and not to be removed from thence; whereby the Miniſter, who is by the Law to officiate at the *North* ſide of the Table, muſt either ſtand and officiate at the *North*-end of the Table ſo ſtanding Altarwiſe, or elſe after the Popiſh and Idolatrous manner, ſtand and officiate at the *Weſt*-ſide of the Table with his Back towards the People.

III. He in the ſame Year 1636. enjoyned that there ſhould be a Rail ſet on the top of the new-raſed Steps before the Communion-Table, ſo ſet Altarwiſe as aforeſaid, which Rail ſhould reach from the *South* ſide of the Chancel to the *North* within, which the Miniſter only ſhould enter, as a place too Holy for the People, and ſome of the People were puniſhed for entring into it, as namely *Daniel Whayman*, and others.

IV. The more to advance blind Superſtition, he in the ſame Year 1636. ordered that all the Pews in the Churches ſhould be ſo altered, that the People might kneel with their Faces *Eaſtward*, towards the Communion-Table ſo ſet Altar-wiſe, as aforeſaid; and that there ſhould be no Seats in the Chancel above, or on either ſide, even up with the ſaid Table.

V. He in the ſame Year 1636. enjoyned that every Miniſter, after he had finiſhed the reading of ſome part of Morning Prayer at the Desk, ſhould go out from the ſame to the Holy Table, ſet Altarwiſe, as to a more Holy place, and there, when no Communion was to be adminiſtred, read at the ſaid Table a part of the Communion Service, now commonly called the Second Service, whereby the Conſciences, both of the Miniſters and People, have been not only very much offended and grieved; but alſo the Service it ſelf was made very unprofitable to the People, who could not hear what was ſaid, or prayed in that place.

VI. That both he in his own Perſon, his Chaplains, and others of the Clergy, as namely, Mr. *John Nowel*, Mr. *William Gueſt*, Mr. *John Dunckon*, and others, following his Example, did ever, after the Table was ſo ſet Altarwiſe, uſe and perform ſuch, ſo many, and ſo frequent Bowings, as Adorations, Examples, to draw others to the like Superſtitious Geſtures, and have given great Scandal, and Offence to the Sound, Sincere, and Well-affected Chriſtians.

VII. He

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VII. He in the ſaid Year 1636. enjoyned all the People to come up to the Rail to receive the Holy Communion, and there kneel, and do Reverence before the Holy Table placed Altarwiſe, and gave directions to the Miniſters, not to Adminiſter the Communion to ſuch People as ſhould not ſo come up, and do ſuch Reverence as aforeſaid; and that the Miniſter ſhould within the Rail deliver the Bread to ſuch People only as ſhould ſo come up and kneel before the ſaid Table as aforeſaid; This was an Offence to the Conſciences of many good People, who for fear of Idolatry and Superſtition, durſt not come to kneel at the ſaid Rail before the Table ſo placed Altarwiſe; and many People not coming up thither, though Preſenting themſelves upon their knees in Chancel, have not had the Communion delivered unto them; and afterwards for not receiving have been Excommunicated; as namely, *John Shyming*, *Samuel Dunckon*, *Peter Fiſher*, *Thomas Newton*, *Edward Bedwell*, *Edmund Day*, *John Frowar*, and many others.

VIII. He did in the ſame Year 1636. enjoyn and Command that there ſhould be no Sermons on the Lord's Days in the afternoon, or on the week days at all, without his Licenſe; and alſo enjoyned that there ſhould be no Catechiſing; but only ſuch Queſtions and Anſwers, as are contained in the Book of the Common-Prayer, not allowing the Miniſters to expound or open the points of the ſame to the People; He and his under Officers affirming in publick places that ſuch an Expoſition might be as ill as a Sermon; and the more to hearten and Confirm the People in prophaning the Lord's Day, He enjoyned the Miniſters to read publickly in their Churches, a Book publiſhed touching ſports on the Lord's Day, for not reading whereof, ſome Miniſters were by the Command and directions of the ſaid Biſhop, Suſpended, *viz.* Mr. *William Leigh*, Mr. *Richard Proud*, Mr. *Jonathan Burr*, Mr. *Matthew Brownrigg*, Mr. *Mott*, and divers others; ſome deprived, Mr. *Powell*, Mr. *Richard Raymond*, Mr. *Jeremy Borrowes*, and ſome otherwiſe troubled; by all which, knowledge was Suppreſſed, and Ignorance and Prophaneneſs introduced in that Dioceſs.

IX. There having been formerly two kinds of ringing of Bells, and calling People to the Church in that Dioceſs, *viz.* one kind when there were only Prayers to be read, and another kind when there were both Prayers to be read, and a Sermon Preached, whereby the People did apply themſelves to the Service of God in thoſe places, where both Prayers and Preaching was to be: He, to hinder the People in their good deſires in Serving of God, and edifying their Souls, did in the ſame Year 1636. command and enjoyn, that there ſhould be no difference in Ringing of Bells to Church when there was a Sermon, and when there was none.

X. Whereas many godly Miniſters, for the preventing of the great Sin in the People of unworthy receiving of the Holy Communion of the Lord's Supper, did uſe to preach two or three days before every Communion; a preparation Sermon to prepare and inſtruct the People in the right and Worthy receiving of the Communion, he the ſaid Biſhop, did in the ſaid Year 1636. forbid Miniſters to Preach any ſuch preparation Sermon in that Dioceſs; as namely, Mr. *Devereux*, Mr. *Swan*, and other Miniſters.

XI. Whereas all godly Ordinances are Sanctified, and made fruitful by the bleſſing of God upon them by Prayer, He endeavouring to ſuppreſs the benefit and Power of Prayer in the Year 1636. enjoyned, that no Miniſter ſhould uſe any Prayer before his Sermon; but move the People to Pray only in the words of the Fiftieth *Canon*, made *Anno* 1603. which *Canon* was not warranted by the Law, and that no Prayer ſhould be uſed before or after the Sermon, and He in his own perſon having been at the Sermon in the Town of *Ipſwich*, when the Preacher did uſe or make any other Prayer, did ſit upon his ſeat, without uſing or giving any Reverence of kneeling, or otherwiſe, thereby to diſcountenance ſuch Prayer: and He, in the ſaid Year 1636. enjoyned that no Prayer ſhould be made in the Pulpit for the Sick, and that ſuch as were prayed for in the Reading-desk, ſhould be prayed for only in the two *Collects* preſcribed for the Viſitation of the Sick in private Houſes.

XII. He, the more to alienate the Peoples hearts from hearing of Sermons in the ſaid Year 1636. commanded, and enjoyned all Miniſters to Preach conſtantly in their *Hood* and *Surplice*, a thing not uſed before in that Dioceſs, and much offenſive to the People as a Scandalous Innovation; and the Pa-

riſhioners

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riſhioners of *Knatſhall* wanting a *Surplice*, He did by his Officers, in the Year 1637. enjoyn the Churchwardens there, that no Prayers ſhould be read in that Church, till they had got a *Surplice*, which they not getting for the ſpace of two Lord's days after, had no Prayers during that time there.

XIII. That during the time of his being Biſhop of *Norwich*, which was about two Years and four Months, there were, for not reading the ſecond Service at the Communion Table ſet Altarwiſe, for not reading the Book of ſports, for uſing conceived Prayers before and after Sermons, and for not obſerving ſome other Illegal Innovations by him and his under-officers, by and upon his Directions and Injunctions, ſundry godly, painful, Preaching Miniſters, that is to ſay, Maſter *William Powel*, Maſter *John Carter*, Maſter *Robert Peck*, Maſter *William Bridges*, Maſter *William Green*, Maſter *Mott*, Maſter *Richard Raymond*, Maſter *Thomas Scot*, Maſter *Greenhill*, Maſter *Nicholas Beard*, Maſter *Hudſon*, *Robert Kent*, *Jeremy Burrows*, Maſter *Thomas Allen*, and others, to the number of Fifty, Excommunicated, Suſpended or deprived, and otherwiſe cenſured and ſilenced, to the undoing of many of them, their Wives and Children; and they could not be Abſolved without giving promiſe to conform to his directions, *editis & edendis*; by means whereof ſome Miniſters were enforced to depart this Realm into *Holland*, and other parts beyond Sea, *viz.* the ſaid Maſter *Thomas Bridges*, Maſter *Jeremy Borrows*, Maſter *Thomas Allen*, Maſter *John Ward*; and others of *Norwich*, to remove into other peaceable Dioceſſes, as namely, Mr. *Edmund Calamy*, Mr. *Broom*, Mr. *Beard*, and others; and ſome of them ſo proſecuted, as hath been ſuſpected to be the cauſe of their deaths, as namely Mr. *Thomas Scot* and others; the terror of which proceedings hath cauſed other Miniſters to leave their Cures, and go away, *viz.* Mr. *William Kirington*, Mr. *Thomas Warren*, Mr. *John Allen*, and others: and if a Stranger Preached at the Cure of ſuch a Parſon Suſpended, the Churchwardens permitting ſuch Parſon ſo to Preach, were enjoyned penance, and otherwiſe troubled; as namely the Churchwardens of *Snailwell*, and the Stranger for Preaching, was alſo therefore moleſted, *viz.* Mr. *Aſh*, Mr. *Eades*, Mr. *Manning*, and other Miniſters.

XIV. That during the time He was Biſhop of the ſaid See of *Norwich*, He did unlawfully compel the Inhabitants of the ſeveral Pariſhes within that Dioceſs, to raiſe the Floors of the Chancels of their reſpective Churches, to rail in their Communion Tables, to remove the Pews and Seats, and to make other alterations in the reſpective Churches; in the doing whereof the ſaid Inhabitants were put to great, exceſſive, and unneceſſary charges and expences, amounting in the whole, to the ſumm of five thouſand pounds and upwards; which ſaid charges and expences, he did by unlawful means and courſes, enforce the ſaid Inhabitants to undergo; and ſuch of the ſaid Inhabitants, as did not obey the ſame, he did vex, trouble, and moleſt by Preſentments, Citations, Excommunications, tedious and frequent Journeys, and by Attendances at the Courts of his Chancellor, and other his Officials, *viz.* the Churchwardens of *Linne*, *Ipſwich*, *St. Edmunds-bury*, and others.

XV. That for not coming up to the Rail to receive the Holy Communion, kneeling there before the Table Altarwiſe, for not ſtanding up at the Goſpel, and for not obſerving and performing of his unlawful Innovations and Injunctions, many other of his Majeſty's Subjects, *viz.* *Peter Fiſher*, *Samuel Duncon*, *James Percival*, *John Armiger*, *Thomas King* and others, have been by him, his Chancellors, Viſitors, Commiſſaries, and Officials, by Commands and Injunctions, much moleſted, diſquieted, and vexed in their Eſtates and Conſciences, by Citations to the Courts, long attendance there, Diſmiſſion, Fees, Excommunications, Penances, and other Cenſures.

XVI. That by reaſon of the rigorous proſecutions and dealings in the laſt precedent Articles mentioned, and by reaſon of the continual Superſtitious bowing to, and afore the Table ſet Altarwiſe, the Suſpending, Silencing, driving away of the painful Preaching Miniſters, the ſuppreſſing and forbidding of Sermons and Prayers, the putting down of Lectures, the ſuppreſſing means of Knowledge and Salvation, and introducing Ignorance, Superſtition, and Prophaneneſs; many of his Majeſty's Subjects, to the number of three thouſand, many of which uſed Trades, Spinning, Weaving, Knitting, and making of Cloth, Stuffs, Stockings, and other Manufactures of Wooll; that is to ſay, *Daniel Sunning*, *Michael Metcalf*, *John Berant*, *Nicholas Metcalf*, *John Derant*, *Busby*,

An. 1641.

Busby, *Widow Maxes*, *Richard Cock*, *John Dicks*, *Francis Laws*, *John Senty*, and many others; ſome of them ſetting an hundred poor People on work, have removed themſelves, their Families and Eſtates into *Holland*, and other parts beyond the Seas, and there ſet up and taught the Natives there, the ſaid Manufactures, to the great hinderance of Trade in this Kingdom, and to the Impoveriſhing, and bringing to extream want, very many who were by thoſe parties formerly ſet on work, to the great prejudice of his Majeſty and his People.

XVII. That He the ſaid Biſhop, finding the People to diſtaſte his Innovations, hath often in publick and private Speeches, declared in the ſaid Year *1636.* that what He did in the ſame, was by his Majeſty's Command; whereby He contrary to the duty of his place, which He held under his Majeſty, being Dean of his Majeſty's Royal Chappel, and contrary to the duty of a Good and Loyal Subject, endeavoured to free himſelf of blame, and to raiſe an ill Opinion of his Royal Majeſty, in the hearts of his loving Subjects.

XVIII. That he the ſaid *Matthew Wren*, being Biſhop of *Norwich* in the ſaid Year 1636. in the Tower Church in *Ipſwich*, and other places, did in his own Perſon uſe Superſtitious and Idolatrous actions and geſtures in the Adminiſtration of the Lord's Supper, Conſecrating the Bread and Wine, ſtanding at the Weſt ſide of the Table with his face to the Eaſt, and his back towards the People, elevating the Bread and Wine ſo high, as to be ſeen over his ſhoulders; bowing low, either to or before them; when He, after the Elevation had ſet them down on the Table.

XIX. That He the more to manifeſt his *Popiſh* affections, in the ſaid Year *1636.* cauſed a *Crucifix*, that is to ſay, the Figure of *Chriſt* upon the Croſs, to be Engraven upon his Epiſcopal Seal, beſides the Arms of the See.

XX. That He hath choſen and employed ſuch men to be his Commiſſioners, Rural Deans, and to be his houſhold Chaplains, whom He knew to be, and ſtand affected to his Innovated courſes, and to *Popiſh* Superſtition, and to be Erroneous and unſound in Judgment and Practice, as namely Mr. *John Nowell*, Mr. *Edmund Mapletoft*, Mr. *John Dunkin*, Mr. *Boucke*, Mr. *Dun* and others.

XXI. That He hath very much oppreſſed divers Patrons of Churches, by admitting, without any colour of Title, his own Chaplains, and others whom He affected, into Livings which became void within his Dioceſs; unjuſtly enforcing the true and right Patrons to long and Chargeable Suits to evict ſuch Incumbents, and to recover their own right; ſome of which he did againſt his Prieſtly Word given to the ſaid Patrons, or their Friends, *in verbo Sacerdotis*, not to do the ſame; this He did in the caſe of one Mr. *Rivet*.

XXII. That He and others, in the Year 1635. ſold, or granted away the profits of his Primary Viſitation for five hundred pounds, over and above the Charges of the Viſitation, and for the better benefit of the Farmer, ſet forth a Book in the Year *1636.* Intituled, *Articles to be enquired of within the Dioceſs of* Norwich. In the firſt Viſitation of *Matthew*, Lord Biſhop of *Norwich*, conſiſting of 139. Articles; and wherein are contained the number of 897. queſtions, according to all which, the Church-wardens were enforced to Preſent upon pain of Perjury; and ſome Church-wardens, that is to ſay, *Robert Langley*, *Charles Newton*, *Richard Hart*, *William Bull*, and *Zephany Ford*, and others, not making Preſentments accordingly, were cited, moleſted and troubled, and enjoyned Penance; notwithſtanding many of the ſaid Articles were ridiculous and impoſſible.

XXIII. That the Church-wardens, and other men ſworn at the Viſitation, were enforced to have their Preſentments written by *Clerks*, ſpecially appointed by ſuch as bought the ſaid Viſitation, to whom they paid exceſſive ſumms of money for the ſame; ſome two and twenty ſhillings, as namely, *Richard Hurrell*, *John Punchard*, and others; ſome more, ſome leſs, for writing one Preſentment, to the grievous Oppreſſion of his Majeſty's poor Subjects in that Dioceſs.

XXIV. Whereas by the Laws of this Realm no tithes ought to be paid out of the Rents of Houſes, nor is there any Cuſtom or uſage in the City of *Norwich* for ſuch payments; yet the ſaid Biſhop endeavoured to draw the Citizens, and other the Inhabitants within the ſaid City againſt their Wills and Conſents to pay two ſhillings in the Pound, in lieu of the tithes of Houſes within the ſeveral

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ſeveral Pariſhes of the ſaid City, unto the Miniſters there of the ſaid reſpective Pariſhes; and the better to effect this his unjuſt Reſolution, He did by falſe and undue Suggeſtions in the fourteenth Year of his Majeſty's Reign that now is, procure his Majeſty to declare under his Highneſs's great Seal of *England* his Royal pleaſure, That if any perſon within the ſaid City ſhall refuſe to pay according to the ſaid Rate of two ſhillings in the pound unto the Miniſter of any Pariſh within the ſaid City; that the ſame be heard in the Court of *Chancery*, or in the Conſiſtory of the Biſhop of *Norwich*; and that in ſuch caſe no Prohibition againſt the ſaid Biſhops of *Norwich*, their Chancellors or Commiſſaries in the ſaid Courts of Conſiſtory, be granted; and if any ſuch Writ be at any time obtained, the *Judges* ſo granting the ſame, upon ſight of his Highneſs's ſaid Order, ſhall forthwith grant a Conſultation to the Miniſter deſiring the ſame; which ſaid Order and Decree under the Great Seal of *England* tended to the violation of the Oaths of the *Judges*, and was deviſed, contrived, and made by the ſaid Biſhop; and afterwards by his evil Counſels and falſe Surmiſes he did obtain his Majeſty's Royal Conſent thereunto, and by colour of the Order aforeſaid, and other the doings of the ſaid Biſhop, the Citizens and Inhabitants of *Norwich* aforeſaid, *viz. John Collar*, *Judith Perkeford*, and others, have been enforced to pay the ſaid two Shillings in the pound in lieu of tithes; or elſe by Suits and other undue means been much moleſted, and put to great Charges and Expences, contrary to the Law and Juſtice.

XXV. That He aſſumed to himſelf an Arbitrary power, to compel the reſpective Pariſhioners in the ſaid Dioceſs, to pay great and exceſſive Wages to Pariſh-clerks, *viz.* the Pariſhioners of *Yarmouth*, *Congham*, *Toſtock*, and others, Commanded his Officers, that if any Pariſhioner did refuſe to pay ſuch Wages, they ſhould certifie him their names, and he would ſet them into the High Commiſſion Court for example of the reſt, and that one or two out of *Ipſwich* might be taken for that purpoſe.

And the ſaid Commons by Proteſtation ſaving to themſelves the liberty of Exhibiting at any time hereafter any other Accuſation or Impeachment againſt the ſaid *Matthew Wren*, late Biſhop of *Norwich*, and now Biſhop of *Ely*; and alſo of replying to the Anſwer that He the ſaid *Matthew Wren* ſhall make unto the ſaid Articles or any of them, or of offering proof of the premiſes or any other Impeachments or Accuſations that ſhall be exhibited by them, as the Caſe ſhall, according to the Courſe of Parliaments, Require, do pray that He the ſaid *Matthew Wren* may be called to Anſwer the ſaid ſeveral Crimes and Miſdemeanours, and receive ſuch Condign puniſhment as the ſame ſhall deſerve, and that ſuch further proceedings may be upon every of them had and uſed againſt him, as is agreeable to Law and Juſtice.

Sir *William Lambton*'s petition againſt the ſalt Patent, *July* 21.

The Petition of Sir *William Lambton* of *Lambton* in the County *Palatine* of *Durham*, complaining of the project upon Salt to the Ruine of his Salt Panns at *Sunderland* in the ſaid County; Ordered to be referred to the Committee of grievances, and the Patent Complained of to be brought in, and no Execution to be done thereupon.

Ceſſation of Arms, *July* 22.

Ceſſation of Arms agreed unto for fifteen days longer, if the Treaty ſo long laſt.

No Members to deliver out any Copies or Notes.

Ordered, That no Members of the Houſe do deliver out any Copy, or Notes of things brought into the Houſe, Propounded or Agitated in the Houſe, and that no Printers do Print any ſuch Notes if brought unto them, under pain of being guilty of the ſame Penalty the Authors ſhould undergo.

Order concerning Fullers Earth, *July* 23.

That the Houſe do conſider of ſome ſecure way to Tranſport Fullers Earth into *Nottinghamſhire* and *Lincolnſhire*; ſo that it be not Exported beyond Seas.

A Pamphlet referred to the Committee.

Ordered, That the Pamphlet Entituled, *The Order and Form for Government by Biſhops, &c.* be referred to the Committee for Printing.

Earl of *Eſſex* made Lord Chamberlain.

This day the Earl of *Eſſex* was ſworn Lord Chamberlain of his Majeſty's Houſhold.

An Oration in the Univerſity concerning decay of learning referred.

Ordered, That the Information given concerning an Oration made in the Univerſity of *Cambridge*, touching the Decay of Learning, *&c.* by Dr. *Holdſworth* the *Vice-chancellor*; wherein it was alledged were great Reflections on the Parliaments proceedings, be referred to a Committee.

Remonſtrance to be haſtened

That the Committee do haſten the Remonſtrance of the State of the Kingdom and of the Church, and in what State this Parliament found it.

An. 1641.

Tryal by Battel, *July* 24.

Richard Lilbourn's Petition was read, ſetting forth how often he had joyned Iſſue for Tryal by Battel for Lands in value of above 200*l. per. Annum.* and had brought down his Champions ſeveral times to the Aſſizes at *Durham*; but were from time to time put off from a Tryal by Combat by the *Judges*, who ſtill found ſome error in the Record, that the Tryal could not proceed: the Houſe afterwards Ordered a Bill to be brought in to take away Tryal by Battel.

The Houſe of Commons reſum'd the Conſideration of the Plot, to bring up the Army againſt the Parliament, whereupon it was

Votes concerning Mr. *Piercy* and others concerned in the Plot. *July.* 24.

Reſolv'd, That Mr. *Henry Piercy* in the Months of *March* and *April* laſt, in the Pariſh of St. *Martins* in the County of *Middleſex*, did Compaſs, Plot and Conſpire with others, to draw the Army together, and employ the ſame againſt the Parliament, and by force and dread thereof, to Compel the Parliament to agree to certain Propoſitions by them contriv'd, and to hinder and Interrupt the Proceedings of the Parliament. The like reſolution in the ſame words concerning Mr. *Jermin*, and Sir *John Suckling*.

Reſolv'd, That in purſuance of the ſaid deſign, the ſaid *Henry Piercy* by the Plot and Combination aforeſaid, did endeavour to perſwade divers Members of the Houſe of Commons of the ſaid Parliament, and others, being Officers of the ſaid Army, (that is to ſay, *Wilmot*, *Aſhburnham*, *Berkely*, *Pollard*, and *Daniel O Neile*) that they were diſoblig'd by the Parliament, thereby to Incenſe them, and to affect them againſt the Parliament, and did hold divers Conſultations with the ſaid Parties, to effect the ſaid wicked and dangerous deſign; and to that purpoſe did ſet down in Writing certain Propoſitions, to the effect as followeth, *viz.* The preſerving of Biſhops in their Functions and Votes. The not disbanding of the *Iriſh* Army until the *Scotch* were disbanded. And the endeavouring to ſettle the Kings Revenue to the proportion it was formerly.

And upon *July* the 26*th.* it was further reſolv'd, That the ſaid *Henry Piercy* did in purſuance of the Plot and Combination aforeſaid, and for the more ſecret carriage thereof, adminiſter to the ſaid Parties a wicked and unlawful Oath, whereby they did ſwear upon the Holy Evangeliſt not to reveal any thing that was ſpoken concerning the Buſineſs that was in Conſultation, directly or indirectly, nor to think themſelves abſolv'd by any other Oath that ſhould be after taken by them, from the ſecrecy enjoyned by the ſaid Oath.

Reſolv'd that the ſaid *Henry Jermin*, at the time the ſaid Oath was taken, and at divers other times, did propound, and indeavour to perſwade the Perſons before named, and other Officers of the ſaid Army, to put the ſaid Army into a Warlike poſture, and to bring them up to *London*, and likewiſe make themſelves ſure of the Tower, and ſo by force compel the Parliament to conform to the Propoſals; and He with *Suckling*, *&c.* did indeavour to work a belief in the ſaid Army, that the King and Parliament would diſagree, and ſo to perſwade them to adhere to his Majeſty againſt the Parliament, and ſaid that all the *French* about the City of *London* would aſſiſt them; and to the great ſcandal of the King, that the Prince and the Earl of *Newcaſtle* were to meet the Army at *Nottingham* with a thouſand Horſe, and that *Suckling* to encompaſs the deſign of gaining the Tower, did contrive that a hundred men under Captain *Billingſley* ſhould be deſign'd for that purpoſe when the opportunity was offer'd; to the end, the City of *London* ſhould not be able to make any reſiſtance when the ſaid Army ſhould come up, according to the forementioned deſign. And *Suckling* by the means and Plot aforeſaid, did thereby indeavour, that the Earl of *Strafford* then Priſoner in the Tower might the better encompaſs his eſcape.

That Sir *John Berkely* and *Daniel O-Neile* being Queſtioned, did fly for the ſame.

Munday *July* 26: Sir *H. Martin.*

The Lords ſat upon the Impeachment againſt the *Judges* and Biſhop *Wren*; and appointed a Committee to ſit upon a complaint againſt Sir *Henry Martin* Judge of the Admiralty, for a pretended falſe Sentence given in his Court againſt a *French* Merchant.

Ship-money.

The Commons debated the Bill againſt Ship-money and added a proviſo, That all thoſe Sheriffs that levyed the ſame by force ſhall be Sued.

Knighthood-money.

They alſo received from the Committee the Bills againſt *Knighthood-money*; and for *taking the Proteſtation throughout the Kingdom*; and touching *Pluralities.*

The

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The Lords ſat about the Bill preferred againſt the Wine-Merchants, that they might not bring over any Sophiſticated or corrupt Wines, and that upon finding of any ſuch it ſhould be ſtav'd and deſtroyed, which was referred to a Committee.

July 27. Wines.

A Petition read in the Houſe of Commons out of *Oxfordſhire*, ſubſcrib'd with abundance of hands againſt the Biſhops.

Petition.

A conference between the Lords and Commons touching a meſſage from the King, that He intended to ſet forwards on his Journey for *Scotland* on the 10*th.* of *Auguſt*, as alſo a Letter imparted by His Majeſty, ſent to Him from the King of *Spain*, deſiring He might have all the *Iriſh* Army ſent over to Him as they were Disbanded; upon which there was a Committee appointed further to conſider of it.

July 28. Kings Meſſage.

A Letter read from the Earl of *Holland*, deſiring that both Armies might be Disbanded together, for the Honour and ſafety of the Kingdom.

Earl of *Holland.*

The Queen of *Bohemia* returns thanks to the Parliament, for their regard and Conſideration of her.

Queen of *Bohemia.*

The Commons deſired a Conference with the Lords about Disbanding of the Armies: at which they deſired that both Armies ſhould be Disbanded by the 9*th.* of *Auguſt*. And that becauſe moneys could not be raiſed for the full ſatisfaction of the *Scots*; that 80000*l.* ſhould be forthwith paid to the Commiſſioners here, and 80000*l.* more ſhall be ſent to *Edinburgh*, to meet their Army at their Arrival there. But the Lords declin'd to agree the certain day for Disbanding, becauſe the Treaty was not fully ended with the *Scots* Commiſſioners.

July 29. Disbanding.

Another Conference concerning the Kings Journey into *Scotland*, the Commons deſiring that his Majeſty be Requeſted to appoint a *Cuſtos Regni*, or Lieutenant, during His abſence out of the Kingdom; and amongſt other things in ſpecial, to give the Royal Aſſent and do ſuch other things as His Majeſty might do in Parliament.

Cuſtos Regni.

The Houſe falling into debate concerning Sir *John Berkley* and *D. O Niele*, their being concern'd in the Plot to bring up the Army; It was reſolv'd that the ſaid Sir *John Berkley* and *D.O-Neile* being Queſtioned for the ſaid Plot, did fly for the ſame; whereupon they were both Ordered to Priſon.

Berkley and *O-Neile* committed.

The Bill for taking the proteſtation being carried up to the Lords, upon debate thereof they Voted, That they approved of the Houſes taking it in particular, but not for the general taking of it throughout the Kingdom, and ſo caſt the ſame out of the Houſe: Upon which the Houſe of Commons taking notice thereof, and conceiving that the Biſhops were the chief cauſe of Rejecting their ſaid Bill, appointed a Committee for their Impeachment for making of the late *Canons*; And then alſo Voted, that no *Popiſh* Lords ought to have Vote in the Lords Houſe in matters of Religion.

July 30. Bill for taking the Proteſtation flung out by the Lords.

And then paſs'd the Votes following.

Die Veneris, 30th. July. 1641.

Reſolv'd upon the Queſtion, That this Houſe doth conceive, that the Proteſtation made by them, is fit to be taken by every Perſon that is well-affected in Religion, and to the good of the Common-wealth; and therefore doth declare, That what Perſon ſoever ſhall not take the Proteſtation, is unfit to bear Office in Church or Common-wealth.

Reſolv'd, *&c.* That the Knights, Citizens and Burgeſſes, and the Barons of the *Cinque-Ports* Reſpectively, ſhall forthwith ſend down to the ſeveral places for which they ſerve, Copies of this Vote of the Houſe concerning the Proteſtation.

Reſolv'd, *&c.* That theſe Votes ſhall be Printed, and Atteſted under the Clerks hand.

The Printers this day preferr'd a Bill to the Houſe of Commons for Regulating their Myſtery, and that no Books be Printed without Licenſe.

Printers.

The Commons were upon the Printers Bill, and the Bill againſt Biſhops.

A Report delivered in from the Treaſurer of the Navy, That there is 113000*l.* due to the Navy.

Navy.

Reſolv'd, That the 3000*l.* lent by the City upon the publick faith of this Houſe for the furniſhing of the Queen *Dowager* of *France* for her Journey out of this Kingdom, ſhall be forthwith paid.

Queen Mother 3000*l.*

The

An. 1641.

Mond. Aug. 2. Conference between the Lords and Commons concerning the Proteſtation. Cuſtom in Parliament concerning Meſſages.

The Lords having knowledge that the Commons had cauſed a Paper to be printed for the enjoyning the taking of the Proteſtation throughout the Nation, ſent a bare Meſſage to the Commons to deſire a Conference, not expreſſing whereupon: which the Commons took very ill, and refuſed to meet, as being contrary to the *Cuſtom of Parliament*; yet afterward ſent a Meſſage, deſiring to know the *Cauſe* of the former Meſſage: upon which the Lords certified, they deſired a Conference about the printed Paper, for enjoyning the taking of the *Proteſtation*: upon which the Commons met, and the Lords ſhewed, that they deſired there might be a fair Correſpondency between both Houſes, demanding whether there were any ſuch thing voted in their Houſe, and whether *printed* by their Order or no? The Houſe of Commons deſired time to conſider, and they would ſatisfie their Lordſhips therein.

James.

This Day in the Houſe of Commons there was a great Debate upon the Bill read againſt Mr. *James*, a Papiſt, for ſtabbing Juſtice *Heywood*: The Purport of the Bill being, That his Right Hand be cut off, his Lands diſpoſed of, and Impriſonment during pleaſure.

Prieſts.

Two Popiſh Prieſts, *Abbot*, *alias Rivers*, and *Turner*, *alias Wigmore*, committed for refuſing the Oath of Supremacy.

Comptroller.

This Day Sir *Thomas Jermyn* having reſign'd his Staff, Sir *Peter Welſh* was ſworn Comptroller of his Majeſty's Houſhold.

Aug. 3.

Mr. *Hollis* his Speech about printed Votes concerning the Proteſtation.

The Commons deſired a Conference with the Lords concerning the Votes relating to the Proteſtation. And Mr. *Hollis* acquainted their Lordſhips, That not finding this Paper atteſted by their Clerks Hand, they could not judge of it, till they had reſorted to his Book, wherein their Orders and Votes are entred, and where they found their Votes concerning their late Proteſtation, taken both by their Lordſhips and them, and they found the Contents of this Paper to agree in *Terminis* with what is entred in their Clerk's Book.

Then they called to mind what had paſſed in the Houſe upon that occaſion when theſe Reſolutions of theirs were voted, how they had conſidered of that *Proteſtation*, that it bound all Men to defend the Religion here eſtabliſhed, *&c.*

This they conceived to be a true Teſt of every good Subject, a *Shibboleth* to diſtinguiſh the *Ephraimites* from the *Gileadites*, that whoſoever was well affected in Religion, and to the good of the Commonwealth, would make this Proteſtation; and on the other ſide, who would not make it was not well affected.

They held it their Duties, in diſcharge of the Truſt repoſed in them by the whole Body of the Kingdom; all the Commons of *England*, who have ſent them out as ſo many Sentinels to watch for them, to give them notice of the Good or the Evil, Friends or Enemies, coming towards them; they held it, I ſay, their Duties to declare their Opinions, That ſuch a Man was not their Friend, was unfit to bear Office either in Church or State, and therefore they paſſed this Vote, That it was a thing fit and neceſſary to be done by them, and for ſuch they do avow it.

And beſides, they thought it fit to give an Account to thoſe who had employed them, from the ſeveral Counties and Burroughs that had ſent them, to give them a *Mark*, by which they might know who were good Men, lovers of their Country, fit to be entruſted with Offices, or with the overſight of any part of Church or State; and therefore they gave order this Vote ſhould be ſent down unto all the parts of this Kingdom.

And laſtly, That it might be done ſpeedily, and not ſtay the writing out of ſo many Copies, they gave order it ſhould be printed, and be atteſted under the Clerks Hand.

The Copies of which Three Orders your Lordſhips have in this printed Paper, which the Commons aſſembled in Parliament, have commanded me to ſignifie unto your Lordſhips, and that the paſſing of theſe Votes they do own, they do avow, they do juſtifie.

With which Reaſons, after ſome Debate, the Lords ſeemed ſatisfied.

The

16 Car.

The Impeachment of Thirteen Biſhops, ſent up by Sergeant Wyld, *and delivered at the Bar in the Lords Houſe (verbally) by Order of the Houſe of Commons.*

My Lords,

THE Knights, Citizens, and Burgeſſes of the Commons Houſe of Parliament, being ſenſible of the great Infelicities and Troubles, which the Commonwealth hath ſuſtained by the exorbitant Courſes of the Biſhops; and knowing well what the wiſe man ſaith, *That if Sentence be not ſpeedily executed againſt an evil Work, the Hearts of the Sons of Men are ſet upon further Miſchief*; (the timely redreſs whereof doth better become the Wiſdom of a Parliament than a too late woful Repentance) have commanded me to repreſent unto your Lordſhips, That

The Commons impeach thirteen Biſhops for acting in the Convocation, *Anno* 1640. after that was diſſolved, *Auguſt* 4.

Walter, Biſhop of *Wincheſter*,
Robert, Biſhop of *Coventry* and *Litchfield*,
Godfrey, Biſhop of *Glouceſter*.
Joſeph, Biſhop of *Exeter*,
John, Biſhop of St. *Aſaph*,
William, Biſhop of *Bath* and *Wells*.
George, Biſhop of *Hereford*,
Matthew, Biſhop of *Ely*,
William, Biſhop of *Bangor*,
Robert, Biſhop of *Briſtol*,
John, Biſhop of *Rocheſter*,
John, Biſhop of *Peterborough*,
Morgan, Biſhop of *Landaff*, together with
William, Archbiſhop of *Canterbury*,

and others of the Clergy of that Province, at a *Convocation* or *Synod* for the ſame Province, begun at *London*, in the year 1640. did contrive, make, and promulge ſeveral *Conſtitutions* and *Canons* Eccleſiaſtical, containing in them divers Matters contrary to the King's Prerogative, to the Fundamental Laws and Statutes of the Realm, to the Rights of Parliament, to the Propriety and Liberty of the Subjects, and Matters tending to *Sedition*, and of dangerous conſequence.

And to add more weight and efficacy to this their monſtrous Deſign, they did, at the ſame Synod, under a ſpecious and fair Title, grant a *Benevolence*, or Contribution to his Majeſty, to be paid by the Clergy of that Province, contrary to Law. It reſted not there, for though this had been enough to have affrighted and terrified the King's People with ſtrange Apprehenſions and Fears: yet, that theſe might not ſeem to be contrivances of the Brain, or Fancies only, they were put in Execution, and were executed upon divers with Animoſity and Rigour, to the great Oppreſſion of the Clergy of this Realm, and other his Majeſty's Subjects, and in contempt of the King and of the Law.

Whether thoſe Perſons, *my Lords*, that are culpable of theſe Offences, ſhall be thought fit to have an Intereſt in the Legiſlative Power, your Lordſhips Wiſdom and Juſtice is able to judge.

But for theſe Matters and Things, the Knights, Citizens, and Burgeſſes of the Commons Houſe in Parliament, in the name of themſelves and of all the Commons of *England*, do impeach the ſaid Biſhops before-named, of the Crimes and Miſdemeanors before-expreſſed; and do therefore pray, That they may be forthwith put to their Anſwers in the preſence of the Commons, and that ſuch further Proceedings may be had againſt them, as to Law and Juſtice ſhall appertain.

Order for leſſening the Charge of Sheriffs, *Aug.* 5.

The Houſe of Commons having received Complaint of the great Charge of Sheriffs of Counties, by reaſon of Preſents, Entertainments, and other Proviſions given, and made to and for the Judges, and Fees paid to their Servants, during the time of the Aſſizes kept. And the like Complaints of great Sums of Money that Counties, Cities, and Corporations, and Burroughs through which the King paſſeth, are enforced to pay unto his Majeſty's Officers, as pretended

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ed Fees and Duties; whereas no ſuch are due by the Laws of this Kingdom, Doth hereby publiſh and declare, That they think it fit, that hereafter no ſuch Preſents, Entertainments, Proviſions, or pretended Fees, or Gifts, ſhall be demanded, given, or paid; nor that any Sheriff hereafter ſhall at the Aſſizes in his own County, give any Entertainment, or keep any Houſe there for the Gentry of the County, or any other in regard of his being Sheriff, other than for his neceſſary Attendants. And whoſoever ſhall do contrary to this Declaration and Vote, ſhall be eſteemed by this Houſe, a perſon therein giving Example inconvenient to the publick.

And it is further ordered, That the Knights, Citizens, and Burgeſſes of the ſeveral Counties and Burroughs for which they ſerve, ſhall forthwith ſend to the Sheriffs of the ſeveral Counties, Copies of this Declaration concerning the Judges, and Sheriffs, *&c.* to the end the ſame may be publiſhed, and that they have the ſame ſigned with the Hand of the Clerk.

This Day alſo the Commons had a Conference with the Lords, that the Judges who were impeached about the Buſineſs of Ship-money, might not go their Circuits; which was agreed unto.

Scots declare to depart with in 48 hours after payment of their Money, *Aug.* 5.

The Houſe of Commons was this Day informed, That the *Scots* cannot prefix a Day preciſely when to march, but do undertake to march away within Forty eight Hours after the Payment of their Moneys at *Newcaſtle*, the Commiſſioners being now returned from the Parliament of *Scotland*, with approbation of the Treaty.

28000 *l.* yet due to *Northumberland* and *Durham* from the *Scots*

The Houſe debated the Concerns of *Newcaſtle* and *Durham*, as to the Payment of 28000 *l.* due unto them for billeting the *Scots* Army, *&c.* upon which ſeveral Votes paſſed.

More Votes concerning the *Northern* Counties.

More Votes paſſed concerning Money due to other parts of the *Northern* Counties, beſides *Durham* and *Northumberland*.

About a *Cuſtos Regni*, or *Locum Tenens*, *Auguſt* 6.

That a Committee be appointed to prepare Reaſons to be offered to the Lords for a *Cuſtos Regni*, becauſe in the King's abſence many emergent occaſions may happen in Parliament, where neceſſary uſe muſt be made of the King's Authority: Beſides it doth appear by Precedents, whenever a Parliament was ſitting in the King's abſence, there was a *Cuſtos Regni*, or *Locum Tenens*.

Levying of Soldiers in *Ireland*, *Aug.* 6.

Sir *John Culpepper* reports againſt the levying of Soldiers in *Ireland*, for the Service of Foreign Princes, and concerning the ſpeedy disbanding of the Armies: With which Report the Houſe concurred.

The Earl of *Briſtols* ſpeech upon the concluſion of the Treaty with the *Scots*.

The Earl of *Briſtol*, upon the Concluſion of the Treaty with the *Scots*, ſpake to this purpoſe.

'That he had ſomething to deliver concerning the Treaty of *Rippon*, of the 'Reaſons which moved thoſe Commiſſioners to agree unto it; and though it 'might not be accounted ſo full of Glory and Honour to this Nation, as the like 'had been in former times, yet conſidering the ſtreight that ſome Perſons have 'put this Kingdom into, he ſaid it was a happy Concluſion both for the King 'and Kingdom; but it had coſt this Kingdom 1100000 *l.* beſides Damages; and 'deſired that ſome writing might be drawn concerning this Treaty for Satisfacti-'on to Poſterity of the carriage of this Buſineſs.

The *Spaniſh* Ambaſſador deſires 12000 disbanded men.

The Houſe fell into Debate concerning the 12000 Men the *Spaniſh* Ambaſſador did deſire to have of our disbanded Soldiers: It was anſwered, he deſired no leſs than an Army; which was not fit to be granted; yet it was ſaid, that the King was now content he ſhould accept of Three or four thouſand, if the Parliament did ſo adviſe him, and the *Spaniſh* Ambaſſador had diſburſed Money; and the Lords did think fit to give way to that number; but the Commons utterly refuſed to conſent thereunto.

An Order for Sheriffs to repay to the Subjects the Ship-money remaining in their hands.

It is this day ordered by the Lords in Parliament, that Sir *Thomas Powel*, Baronet, late High-Sheriff of the County Palatine of *Cheſter*, ſhall at the next General Seſſions, diſcount and pay the Money, which he hath received for the Ship-money, and remaining now in his Hands, and not paid to the Treaſurers of the Navy, to the Juſtices of that County, who ſhall diſtribute and repay the ſame, according as the Bench ſhall ſee cauſe; and particularly to thoſe Parties that can make it appear that it hath been taken from them, by diſtreſs or other inforcement; and this to be general to all other Sheriffs and Collectors, who have Moneys remaining in their Hands, which they have received for Ship-Money, to repay the ſaid Money in the ſame manner and way as aforeſaid: And upon Payment of the ſaid Moneys as aforeſaid, both the ſaid

Sir

Sir *Thomas Powel*; and alſo all others ſhall be, by virtue hereof diſcharged of any further Accounts touching the ſaid Moneys. 16 *Car.*

His Majeſty's Anſwer to both Houſes was ſignified, that his Majeſty hath ever ſince the Parliament, taken the Advice of his Parliament concerning the Army, and therefore he gives his Conſent concerning the diſbanding of the Horſe. *Auguſt* 7. The King conſents to diſband the Horſe.

A Committee was appointed to conſider of the Reaſons to petition his Majeſty to ſtay his Journey yet Fourteen days longer.

This Day the Commons reaſſumed the Debate about the King's Journey into *Scotland*, and for his ſtay ſometime longer, and thereupon deſired another Conference with the Lords, where Mr. *Denzil Hollis* ſpake to the effect following. *Auguſt* 7.

Reaſons delivered by Mr. Hollis, *to move the King to ſtay his Journey into* Scotland, Auguſt 7.

I Am commanded to put your Lordſhips in mind what hath paſſed upon this occaſion before, concerning the King's Journey to *Scotland*, that both Houſes did conſent to Petition his Majeſty not to begin his Journey till the Tenth of *Auguſt*, and to acquaint the *Scots* Commiſſioners therewith: who afterwards deſired this Houſe to expreſs their Reſolutions in the Affirmative: Upon which the Houſe of Commons paſſed a Reſolution, That then, if his Majeſty pleaſed to go, they would ſubmit unto it.

I am commanded to declare unto your Lordſhips, That the Houſe of Commons is deſirous to ſubmit unto his Majeſty's good Pleaſure in all things; but ſuch is the preſent Condition of this buſineſs, as it now ſtandeth, that they are enforced to preſent ſome further Conſiderations to your Lordſhips.

Firſt, That when they gave this Aſſent, they were in hope both Armies would have been disbanded by that time; but though there hath been all poſſible means uſed to that end, yet it could not be fully effected. So the ſame inconvenience doth ſtill continue.

Secondly, The Treaty cannot in ſo ſhort a time be finiſhed, being returned from *Scotland* but Three Days ſince: But ſince it is ready to be finiſhed, and Moneys are provided, the Armies will be disbanded by that time we deſire his Majeſty to take his Journey.

Thirdly, The Diſtempers and Jealouſies of the Kingdom are ſuch, that they cannot be compoſed by paſſing ſome Acts, unleſs his Majeſty ſtay the deſired time.

Fourthly, No Courſe is yet taken for the Government of the Kingdom in his Majeſty's Abſence, there being ſo many weighty things to be taken into Conſideration.

Upon theſe Reaſons the Houſe of Commons have thought fit to move your Lordſhips to join with us in a Petition to his Majeſty to ſtay his Journey for Fourteen Days longer; and we make no doubt but our Brethren in *Scotland* will conſider the ſtreight we are in, and for our Safety, condeſcend to our Deſires. And if his Majeſty yield thereunto, then we ſhall deſire your Lordſhips to join with us by ſome expreſs Meſſenger to the Parliament in *Scotland*, for the King's ſtay for that time, which we hope will give them ſatisfaction.

The ſame day his Majeſty came to the Houſe of Lords, and made a ſhort Speech unto them touching the neceſſity of his ſpeedy going into *Scotland*: Upon which the Houſe of Commons fell into debate concerning his Majeſty's going; deſiring firſt he would appoint a *Vice-Roy*, or to ſtay Fourteen days longer; for that it nearly concerned the Quiet and Peace of the Kingdom, and ſate till after Ten a Clock at Night, in debate of this matter; and ordered the Houſe to be called over on *Wedneſday* come Seven-night. His Majeſty came to the Lord's Houſe, and ſpake a few Words.

Ordered, That the Knights, Citizens, and Burgeſſes do ſend down to the Sheriff of every County, the Order of the Houſe, requiring their Members to return, upon pain of incurring the diſpleaſure of the Houſe. And in this Caſe of great neceſſity, concerning the Peace and Quiet of the Kingdom, they ordered to ſit the next day, being *Sunday*, by Six a Clock in the Morning; where *Auguſt* 7. Members to be ſummoned by the Sheriff. The Houſe of Commons do ſit upon *Sunday* in caſe of neceſſity.

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where they met accordingly, and had a Sermon, and return'd to the Houſe about Nine of the Clock, and ſat all day long on the Lord's Day, commonly called *Sunday*, *Auguſt* the 8*th.* 1641. But the Houſe of Commons paſſed this Vote, *viz.*

Sunday the Houſe Sits, *Auguſt* 8.

Reſolv'd, That this Houſe ſhall enter into conſideration of no buſineſs whatſoever upon this Day; but ſuch as ſhall immediately concern the good and advancement of Religion, and ſafety of this Kingdom; and both Houſes paſſed this further Reſolve and

DECLARATION.

Declaration, that the Houſes Sitting on the Lord's Day, ſhall not be drawn into Precedent.

WHereas both Houſes of Parliament found it fit to Sit in Parliament upon the 8*th. day of* Auguſt, *being the* Lord's Day, *for many urgent and unexpected Occaſions, concerning the ſafety of the Kingdom, they being ſo ſtraitn'd in time, by reaſon of His Majeſty's reſolution to begin His Journey towards* Scotland *on* Monday *following, early in the Morning; that it was not otherwiſe poſſible for to Settle and Order the affairs of the Kingdom, either for the Government thereof in the King's abſence, or for the preſent Safety as was requiſite upon theſe preſent neceſſities; though the Houſes thought it neceſſary to Sit, yet the Lords and Commons now aſſembled in Parliament think it meet to Declare, that they would not have done this, but upon Inevitable neceſſity; the Peace and Safety both of Church and State being ſo deeply concern'd: which they do hereby declare, to the end, that neither any other Inferiour Court or Council, or any other Perſon, may draw this into example, or make uſe of it for their encouragement, in neglecting the due obſervation of the* Lord's Day.

The Treaty of Peace with the *Scots* being now concluded, we ſhall here preſent the Reader with that Intire Negotiation.

Articles of the Treaty concerning the eſtabliſhing of the Peace betwixt the King's Majeſty and his People of Scotland, *and betwixt the two Kingdoms, agreed upon by the* Engliſh *and* Scots *Commiſſioners at* Weſtminſter, *the* 7*th. day of* Auguſt 1641.

WHereas by his Majeſty's Royal Wiſdom, and Princely Care of the Peace and Happineſs of his Majeſty's Dominions, a Treaty hath been appointed for removing of all differences raiſed betwixt the two Kingdoms, and betwixt the King and his Subjects of *Scotland*, and for ſettling and aſſuring a firm and bleſſed Peace for all time to come, and a Commiſſion hath been given under the Great Seal of *England*, with approbation of both Houſes of Parliament, bearing date 23. of *November*, in the Sixteenth Year of his Majeſty's Reign, and in the words following.

The King's Commiſſion to Treat with the Scots.

CHarles by the grace of God King of *England*, *Scotland*, *France*, and *Ireland*, Defender of the Faith, *&c.* To our Right truſty, and Right well-beloved Couſins, *Francis* Earl of *Bedford*, *William* Earl of *Hartford*, *Robert* Earl of *Eſſex*, and to our right truſty, and right well-beloved Couſin and Counſellor, *William* Earl of *Salisbury*, and to our right truſty, and right well-beloved Couſin, *Robert* Earl of *Warwick*, and to our right truſty, and right well-beloved Couſin, *John* Earl of *Briſtol*, and to our right truſty, and right well-beloved Couſin and Counſellor, *Henry* Earl of *Holland*, and to our right truſty, and right well-beloved Couſin and Counſellor, *Thomas* Earl of *Berks*: And to our right truſty and wellbeloved, *Philip* Lord *Wharton*, *William* Lord *Paget*, *Edward* Lord *Kimbolton*, *Robert* Lord *Brook*, *John* Lord *Paulet*, *Edward* Lord *Howard* of *Eskrick*, *Thomas* Lord *Savil*, and *Francis* Lord *Dunſmore*, Greeting.

Whereas divers of our Subjects of *Scotland*, have by their ſeveral Petitions humbly beſought us that we would be graciouſly pleas'd to grant unto them certain Demands, We repoſing eſpecial truſt and confidence in your great Wiſdoms and Fidelities, have named, aſſign'd, and appointed you, and by theſe preſents do name, aſſign, and appoint you to be our Commiſſioners, and do hereby give, and grant unto you or any ten, or more of you, full Power, and

and Authority to Treat with *John* Earl of *Rothes*, *Charles* Earl of *Dumfermling*, *John* Lord *Loudoun*, Sir *Patrick Hepburne* of *Wachtoun*, Sir *William Douglas* of [illegible], *William Drummond* of *Riccarton*, *John Smith* Baily of *Edinburgh*, *Alexander Wedderburne* Clerk of *Dundy*, *Hugh Kennedy* Burgheſs of *Air*, *Alexander Henderſone*, and *Archibald Johnſton*, or any of them. Or any other deputed, or to be deputed by our ſaid Subjects of *Scotland*, or nominated on their behalf; and to take into your conſideration the ſaid Demands; and compoſe, conclude, and end all differences ariſing thereupon: Or otherwiſe as you or any ten, or more of you in your Wiſdoms ſhall think fit: And whatſoever You our Commiſſioners aforeſaid, or any ten, or more of you ſhall do in the Premiſes: We do by theſe preſents Ratifie and Confirm the ſame: In witneſs whereof we have cauſed theſe our Letters to be made Patents. Witneſs our ſelf at *Weſtminſter* the three and twentieth Day of *November*, in the Sixteenth Year of our Reign. 16 *Car.*

* *Per ipſum Regem.*

And in like manner, A Commiſſion hath been granted by the Committees of the Parliament of Scotland, *bearing date the laſt of* October, *and 4th. day of* November 1640. *and in the words following*; *

WE the Commiſſioners of the Parliament of *Scotland*, being a full number of both the *Quorums* thereof underſcribing; For ſo meikle as the Kings Majeſty, our Dread Sovereign has been graciouſly pleas'd, upon our humble Supplications to appoint a Treaty and Conference at *Rippon* betwixt our Commiſſioners, choſen and ſent by Us for that effect, and a number of the Peers of *England*, who accordingly met, and have accorded upon certain Articles as weell anent the Maintenance of our Army, as anent the Ceſſation of Arms during the Treaty. And becauſe the time for the enſuing Parliament of *England* could not permit the Treaty to come to the wiſhed concluſion there, His Majeſty was therefore likewiſe pleaſed to transfer the ſaid Treaty to *London*, where the ſaid Parliament is to hold, that there thoſe entruſted by His Majeſty, and Eſtates of Parliament, may have the better time and place to conclude thereanent. The *Scots* Commiſſion to Treat.

Therefore We the ſaid Commiſſioners, being a full number of both *Quorums* thereof underſcribing, by vertue, and conform to the Commiſſion granted to Us by the Eſtates of Parliament, do not only approve the ſaid Articles already agreed upon, and ſubſcribed by our ſaid Commiſſioners at *Rippon*; but alſo do by theſe preſents give full power, Warrant and Commiſſion to *John* Earl of *Rothes*, Lord *Leſley*, *&c.* *Charles* Earl of *Dumfermling*, Lord *Urquhart* and *Fuby*, *&c.* *John* Lord *Loudoun*, Sir *Patrick Hepburne* of *Wachtoun*, Sir *William Douglas* of *Cavers*, *William Drummond* of *Riccarton*, *John Smith* of *Edinburgh*, Mr. *Alexander Wedderburne* of *Dundy*, and *Hugh Kennedy* of *Air*, as Members of the Eſtates of Parliament. And becauſe many things may occur concerning the Church, and Aſſemblies thereof; Therefore beſides theſe of the Eſtates, We nominate and appoint Mr. *Alexander Henderſone*, and Mr. *Archibald Johnſton*, whom we adjoyn for that effect; with power to them or any ſeven of them, there being always two of every Eſtate, to paſs to the ſaid City of *London*; and there, or at any other place convenient (mutually to be agreed upon) to meet, and convene with any who ſhall be appointed by his Majeſty and Eſtates of Parliament of *England*, for the foreſaid Treaty, giving, granting, and committing, like as We by theſe preſents give, grant, and commit to them in manner foreſaid, full Power, Warrant, and Commiſſion to Treat, conſult, adviſe, determine, and agree, as weell anent the ſatisfying, and granting of our Demands; as in obtaining, and ſecuring a ſettled Peace for all time coming; conform to the Inſtructions given to them herewith, or whilk ſhall be ſent to them hereafter by Us, or any one of the ſaid *Quorums* at the Camp, or *Edinburgh* thereanent, With power to them as ſaid is, to do every thing neceſſary, that may conduce for the better, and eaſier obtaining of our ſaid Demands, and eſtabliſhing a ſettled Peace, conform to the ſaid particular Inſtructions in ſuch like manner as we might do if we were all perſonally preſent our ſelves in full number, promiſing to hold firm and ſtable, all, and every thing our ſaid Commiſſioners in manner foreſaid, ſhall do in the Premiſes, conform to the ſaid Inſtructions; and in caſe it ſhall be found expedient or neceſſair,

An. 1641. ceſſair, to add any more Commiſſioners to the foreſaid perſons, theſe who ſhall ſo be ſent, Authoriz'd under our hands, or the full number of any of the ſaid *Quorums*, ſhall have a like power, and Commiſſion by virtue of theſe preſents with the fore-named Commiſſioners, in ſike like manner, as if their names were particularly expreſs'd herein. In witneſs whereof theſe preſents are Subſcrib'd at *Newcaſtle* and *Edinburgh*, the laſt of *October*, and 4*th*. of *November*. 1640.

Sic Subſcribitur,

Rothes.	*Jo. Cooper.*	*James Scot.*
Montroſe.	*Thomas Hope.*	*Gorterfield.*
Caſſils.	*Riccarton.*	*Hume.*
Lothian.	*Caprinton.*	*Hammilton.*
Lyndeſay.	*Guitgirth.*	Mr. *Will. More.*
Balmerino.	*Dundas.*	*Ja. Sword.*
Naper.	*Edward Edgar.*	*Hugh Kenned.*
Burghly.	*Rich. Maxwell.*	*Rutherford.*

And foraſmuch as by virtue of the ſaid Commiſſions, the Commiſſioners therein Authoriz'd, have Treated, and by the aſſiſtance and bleſſing of God, have agreed upon the Heads, and Articles following.

The *Scottiſh* Commiſſioners (having given in the Declaration following, *viz.* We do ſtill in all Loyalty as becomes humble and dutiful Subjects, acknowledge our Dependancy upon his Majeſty as our Dread Sovereign, whether his Majeſty live in *Scotland* or *England*, and ſhall always, and in all things witneſs our high reſpects, and beſt affections to the Kingdom and Parliament of *England*, according to the ſtrong bonds of Nature and Religion, by which the two Kingdoms are joyned under one Head and Monarch: yet as we are fully aſſur'd that the Kingdom and Parliament of *England*, is for the preſent far from any thought of Uſurpation over the Kingdom and Parliament of *Scotland*, or their Laws and Liberties; ſo for the preventing the miſunderſtanding of Poſterity and of Strangers, and for ſatisfying the ſcruples of others not acquainted with the nature of this Treaty, and the manner of our proceedings which may ariſe upon our coming into *England*, and our Treating in time of Parliament. We do by theſe declare and make known, that neither by our Treaty with the *Engliſh*, nor by ſeeking our Peace to be eſtabliſhed in Parliament, nor any other actions of Ours, do we acknowledge any Dependancy upon them, or make them Judges to us or our Laws, or any thing that may Import the ſmalleſt prejudice to our Liberties; but that we come in a free and brotherly way by our Informations to remove all doubts, that may ariſe concerning the proceedings of our Parliament, and to joyn our endeavours in what may conduce for the good and Peace of both Kingdoms, no otherwiſe than if by occaſion of the King his Reſidence in *Scotland*, Commiſſioners in the like Exigence ſhould be ſent thither from *England*) Did Demand, that his Majeſty would be graciouſly pleas'd to command that the Acts of the late Parliament may be publiſhed in his Highneſs's name as our Sovereign Lord, with conſent of the Eſtates of Parliament conven'd by his Majeſty's Authority.

Whereunto it is anſwered and agreed, that foraſmuch as the King's Majeſty at the humble deſire of His Subjects, did call and convene a Parliament to be holden at *Edinburgh* the 2*d*. of *June* 1640. Wherein certain Acts were made and agreed upon, which Acts his Majeſty (for the peace and good of this Kingdom) is pleaſed to publiſh in his own name, with conſent of the Eſtates, and therefore commands that the ſaid Acts, bearing date the 2*d*. day of *June* 1640. be publiſhed, with the Acts to be made in the next Seſſion of the ſame Parliament; and that all the ſaid Acts, as well of the precedent as of the next Seſſion, to be holden, have in all time coming the ſtrength of Laws, and to be univerſally received, and obeyed by all the Subjects of the Kingdom of *Scotland*.

His Majeſty doth in the word of a King, promiſe the publiſhing of the ſaid Acts, in ſuch ſort as is above ſpecified.

As for the manner of publiſhing the ſaid Acts, his Majeſty approves that the Declaration

Declaration of the Eſtates in the beginning of the Acts, and the concluſion at the end, may be paſt in ſilence at the publiſhing of the Acts, and left out in the Printed Copies: and if any thing ſhall further occur concerning the manner of publiſhing the ſaid Acts, his Majeſty's Commiſſioner may then offer it to the Eſtates to be conſider'd of; his Majeſty being moſt aſſured that the Eſtates of Parliament will have a great care not to ſuffer his Majeſty's authority to be prejudic'd in the managing of theſe great affairs. *Tertio Decembris*, 1640. 16 *Car.*

The ſecond Demand, that the Caſtle of *Edinburgh*, and other ſtrengths of the Kingdom, ſhould with the advice of the Eſtates of Parliament, according to their firſt foundation be furniſhed, and uſed for defence and ſecurity of the Kingdom. Is agreed unto.

The third Demand, That *Scottiſh-men* within his Majeſty's Dominions of *England* and *Ireland*, may be freed from cenſure for Subſcribing the Covenant, and be no more preſſed with Oaths, and Subſcriptions unwarranted by their Laws, and contrary to their National Oath, and Covenant approved by his Majeſty.

It is thereto Anſwer'd, and agreed in his Majeſty's Name, upon *December* the 8*th*. 1640. That as his Majeſty hath granted your firſt and ſecond Demands, So do We in his Majeſty's Name anſwer to the third, That all thoſe who in his Majeſty's Dominions of *England* or *Ireland* have been Impriſon'd, Forfeited, or Cenſured any other way for Subſcribing of the Covenant, or for refuſing to take any other Oath contrary to the ſame, ſhall be freed of theſe Cenſures, and ſhall be fully reſtor'd to their Liberties, Eſtates, and Poſſeſſions. And for time coming, that the Subjects of *Scotland*, as Subjects of *Scotland*, ſhall not be conſtrain'd to any Oath contrary to the Laws of that Kingdom, and the Religion there Eſtabliſhed: but ſuch of the Kingdom of *Scotland*, as ſhall tranſport themſelves into the Kingdom of *England* or *Ireland*, and there be ſettled Inhabitants, either by way of having Inheritance or Free-hold, or by way of ſettled Trades, (by which the way of trading of the Factors of Merchants, nor of Merchants themſelves is not to be underſtood) ſhall be Subject to the Laws of *England* or *Ireland*, and to the Oaths eſtabliſhed by the Laws, and Acts of Parliament in the ſaid Kingdoms reſpectively, wherein they live, and have their ordinary and conſtant Reſidence, and not otherways. And the *Engliſh* and *Iriſh*, ſhall have the like privilege in *Scotland*. 8. *Decembris*, 1640.

To the fourth Demand, craving that his Majeſty may be graciouſly pleas'd to declare, as an Act of His *Royal Juſtice*, ſerving much to His own Honour, for the eſtabliſhing of His Throne, and for the good and Peace of both Kingdoms: That whoſoever ſhall be found upon Tryal and Examination by the Eſtates of either of the two Parliaments, (they Judging againſt the Perſons Subject to their own Authority) to have been the Authors and Cauſers of the late and preſent Troubles and combuſtion; whether by labouring to make, and foment Diviſion betwixt the King and His People, or betwixt the two Nations, or any other way, ſhall be liable to the Cenſure and Sentence of the ſaid Parliaments reſpectively, Conform to the paper of *December* 9. 1640.

It is anſwered, upon the 11*th*. of *December*, 1640. That his Majeſty believeth He hath none ſuch about him; and therefore concerning that point, He can make no other Declaration, than that He is juſt, and that all His Courts of Juſtice are free and open to all men; His Parliament in this Kingdom is now ſitting, and the current Parliament of *Scotland* near approaching the time of their meeting. To either of which, He doth not prohibit any of His Subjects to preſent their juſt grievances and complaints, of whatſoever nature, each medling, and judging againſt the Perſons ſubject to their own Authority. *Undecimo Decembris*, 1640.

It is further anſwered upon the ſaid 11*th*. of *December*, 1640. To your fourth Demand concerning Incendiaries, that his Majeſty believeth, He hath none ſuch about Him: Therefore, concerning that point, He can make no other Declaration, than that He is juſt, and that all His Courts of Juſtice are to be free and open to all men. Our Parliament in this Kingdom is now ſitting, and the current Parliament of *Scotland* near approaching the time of their meeting. In either of which *Reſpective*, He doth not prohibit the Eſtates to proceed in trying and judging of whatſoever His Subjects.

And whereas it was further Demanded, that as his Majeſty would not hinder any of His Subjects to be try'd and judg'd by the Parliament: ſo that none

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An. 1641. after the Sentence of the Parliament, ſhould have acceſs to his Majeſty, or be maintain'd, and enjoy Places or Offices, and have credit, or Authority to inform, and adviſe his Majeſty, Conform to the paper of *December* 23. 1640.

It is declar'd in his Majeſty's Name upon *December* 30. 1640. Beſides his Majeſty's former Anſwers, His Majeſty hath commanded Us to declare in his Name, That He will not imploy any Perſon or Perſons in Office or Place, that ſhall be Judged incapable by Sentence of Parliament: Nor will He make uſe of their Service, without the conſent of Parliament, nor grant them acceſs to His Perſon, whereby they may interrupt, or diſturb that firm Peace, which He now ſo much deſireth, He being confident that they will proceed in a fair and juſt way, and (according to their ſeveral profeſſions) with that reſpect to His Honour, which in reaſon He may expect from good and dutiful Subjects. 30. of *December*, 1640.

The fifth Demand, *That their Ships and Goods, and all damage thereof may be reſtored,*

Is condeſcended unto, and to be reciprocal; That all Ships and Goods taken at Sea, or ſtayed in Ports, with damages to be reſtor'd on both ſides. And that ſome ſummary courſe be agreed upon for the performance thereof, upon the Demands of the particulars on both ſides, Conform to the paper of *December* 30. 1640.

And further it was agreed upon the 7*th.* of *January* 1640, 1641. That all Ships taken and ſtay'd, ſhould be reciprocally reſtor'd on both ſides: and that the *Scottiſh* Commiſſioners having inform'd, that about fourſcore Ships of *Scotland* are yet ſtay'd in the Ports, and are like to ſuffer much further loſs and damage, if they ſhall not be delivered into ſome hands who may have care of them. It is agreed for the more ſpeedy expedition of the *Scottiſh* Ships, and that the owners thereof be not longer damnify'd by the want of them, *That Warrants ſhall be preſently granted for delivery of all their Ships*, and that four thouſand pounds be preſently advanced for Cauking, Sails, Cordage, and other neceſſaries, for helping the preſent ſetting forth of the ſaid Ships, and for the reſt of this Article, when it ſhall come in the Sixth Demand, it ſhall be agreed unto. 7*th.* of *January* 1640, 1641.

To the Sixth Demand, Concerning the loſſes which the Kingdom of *Scotland* hath ſuſtain'd, and the vaſt charges they have been put unto, by occaſion of the late Troubles, and the reparation deſir'd from the Juſtice, and kindneſs of the Kingdom of *England*, towards relief thereof, in manner, and upon the ground expreſs'd in the paper of the 7*th.* of *January* 1640, 1641.

It is anſwer'd, That this Houſe thinks fit that a Friendly aſſiſtance and relief ſhall be given, towards ſupply of the loſſes and neceſſities of the *Scots*, and that in due time, this Houſe will take into conſideration the meaſure and manner of it, Conform to the paper 22*d.* of *January* 1640, 1641.

And further the Parliament upon the 3*d.* of *February*, did declare, that they did conceive that the ſum of *three hundred thouſand pounds*, is a fit proportion for the Friendly aſſiſtance and relief, formerly thought fit to be given towards ſupply of the loſſes, and neceſſities of their brethren of *Scotland*, and that the Houſe would in due time take into conſideration the manner how, and the time when the ſame ſhall be raiſed; Conform to the paper of the 3*d.* of *February*, 1640, 1641. and given in to the Treaty upon the 5*th.* of the ſaid Month.

And whereas it was deſired by the *Scottiſh* Commiſſioners, that the *Engliſh* Commiſſioners would let them know from the Parliament, the Security, manner, and terms of payment, of the foreſaid ſum of three hundred thouſand pounds, and of the Arrears due for relief of the Northern Counties. It was agreed unto by Warrant, and Order of the Parliament, that they ſhould have Fourſcore thouſand pounds, as a part of the foreſaid ſum of three hundred thouſand pounds, with the whole Arrears due to the Army, before the Disbanding thereof, Conform to the paper of the 26*th.* of *May* 1641. And given in to the Treaty upon the 27*th.* of the ſaid Month.

And concerning the ſecurity for paying of the remnant of the ſaid ſum of three hundred thouſand pounds, which Arrear extending to two hundred and twenty thouſand pounds. It is reſolv'd, and agreed unto by both Houſes of Parliament, That an Act of Parliament of publick Faith, ſhall paſs for ſecurity thereof, and that one *Moity*, or equal half of the ſame, extending to one

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hundred and ten thouſand pounds, ſhall be pay'd at *Midſummer* in *Anno* 1642. And the other *Moity*, or equal half thereof, to be pay'd at *Midſummer* in *Anno* 1643. As the Order of the Houſes of Parliament of the 19*th.* and 25*th.* days of *June*, 164[illegible] doth more fully purport.

And in like manner, whereas it was deſired by the *Scottiſh* Commiſſioners, That they might know to whom they ſhould addreſs themſelves, for payment of the ſums at the days appointed by the Parliament, Conform to the Parliament's Determination of the of 19*th. June*; at what place the payment ſhould be made; that a ſafe Conduct may be granted for the ſecure Tranſporting of the moneys to *Scotland*, at the times of the payment agreed upon.

It is Anſwer'd and Reſolv'd by the Parliament, that theſe Earls, Lords, Commiſſioners, following, ſhall be the Perſons to whom the *Scots* ſhall addreſs themſelves, for the receiving of the Summs at the days appointed by the Parliament. *viz.* Earl of *Bedford*, Earl of *Eſſex*, Earl of *Warwick*, Earl of *Holland*, Earl of *Stanford*, Lord *Wharton*, Lord *Mandevill*, Lord *Brook*, Mr. *Martin*, Sir *Thomas Barrington*, Mr. *Capell*, Sir *Arthur Ingram*, Sir *Gilbert Gerrard*, Sir *Robert Pye*, Mr. *Henry Bellaſis*, Sir *Walter Earl*, Sir *William Litton*, Sir *Henry Mildmay*, Sir *Thomas Cheek*, Sir *John Strangeways*, Mr. *Arthur Goodwin*, Mr. *Hampden*, Alderman *Soam*, Alderman *Pennington*.

Reſolv'd upon the Queſtion, That the place of payment ſhall be the Chamber of *London*. Reſolv'd upon the Queſtion, that a ſafe Conduct ſhall be granted for the ſecure Tranſporting of the money's to *Scotland*, at the terms of Payment agreed upon, at the charge of the *Scots*, Conform to the paper of *June* 22. A thouſand ſix hundred fourty one Years.

To the ſeventh Demand, deſiring, that as his Majeſty hath approv'd the Acts of the late Parliament, wherein all ſuch Declarations, Proclamations, Books, Libels and Pamphlets, as have been Made, Written or Publiſhed, againſt his Loyal and Dutiful Subjects of *Scotland*, are recall'd, and ordain'd to be ſuppreſſed and deſtroyed. So his Majeſty may be pleas'd to give Order, that the ſame may be ſuppreſſed, recall'd, and forbidden, in *England* and *Ireland*; *and that the Loyalty, Integrity, and Faithfulneſs of his Majeſty's Subjects of* Scotland, *towards his Majeſty's Royal Perſon and Government*; *may at the cloſing of this Treaty of Peace, and at the time of publick Thanksgiving for the ſame, be made known in all places, and all Pariſh Churches of his Majeſty's Dominions.* This was the more earneſtly deſir'd, and confidently expected from his Majeſty's Juſtice and Goodneſs, becauſe no calamity or diſtreſs, hath ſo ſore vexed, or ſo deeply wounded the Hearts of his Majeſty's Subjects, as that their Loyalty, and love towards their Native King ſhould have been controverted, and by the malignancy of bad Inſtruments brought into Suſpicion: And becauſe they unfeignedly deſire, and pray for his Majeſty's Happineſs, and are reſolv'd by all means, and at all occaſions to deny themſelves, and what they have for his Majeſty's Honour, As is more fully contain'd in the paper of the 8*th.* of *February*, 1640, 1641.

It is anſwered upon the 10*th.* of *February*, 1640, 1641. We do agree, that all Declarations, Proclamations, Acts, Books, Libels and Pamphlets, that have been made, and publiſhed againſt the Loyalty, and Dutifulneſs of his Majeſty's Subjects of *Scotland*, ſhall be recall'd, ſuppreſſed, and forbidden in *England* and *Ireland*. And that this be reciprocal in *Scotland*, if any ſuch have been made, or publiſhed there, in prejudice of his Majeſty's Honour. And this upon diligent inquiry, to be done by the Authority of the Parliament next ſitting in *Scotland*; of which the Commiſſioners of *Scotland*, do promiſe to have an eſpecial care. And we do alſo agree, that when it ſhall pleaſe Almighty God to grant a happy cloſe of this Treaty of Peace, the Loyalty of his Majeſty's ſaid Subjects, ſhall be made known at the time of publick Thankſgiving in all places, and particularly in the Pariſh Churches of his Majeſty's Dominions; unto which we are the rather induc'd, for that you expreſs how deeply it hath wounded the Hearts of his Majeſty's ſaid Subjects; that their Loyalty and love to his Majeſty their Native King, ſhould be brought in queſtion and ſuſpicion: Whereas they unfeignedly deſire and pray for his Majeſty's Happineſs, and are reſolv'd by all means, and at all occaſions to deny themſelves, and what they have for his Majeſty's Honour. 10*th. Feb.* 1640, 1641.

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An. 1641.

Concerning the eighth Demand, for an happy and durable Peace, which is the chiefeſt of all our deſires, and unto which all the former ſeven Articles being now agreed upon, are as many Preparations.

We do firſt of all deſire, that all Monuments, Tokens, and Shews of Hoſtility, upon the Borders of the two Kingdoms, may be taken away: and that upon the Reaſons and Conſiderations particularly expreſs'd in the paper of the 10*th.* of *February*, 1640, 1641. That not onely the Garriſons of *Barwick* and *Carliſle* may be remov'd; but that the works may be ſlighted, and the places diſmantled.

It is anſwered, and agreed upon the 14*th* of *June*, That his Majeſty is deſirous, *That all things betwixt the Kingdoms of* England *and* Scotland, *be reduced into the ſame ſtate they were in, before the beginning of the late Troubles.*

And therefore, He doth give His Aſſent to the advice of the two Houſes of Parliament: That the Garriſons of *Barwick* and *Carliſle*, upon the Disbanding of the *Scottiſh* Army now in *England*, and of all ſuch Forces as are gathered together in *Scotland*, be likewiſe preſently remov'd: and that the Fortifications of *Barwick* and *Carliſle*, be alſo reduc'd to the ſame condition they were before the late Troubles. So that all Fortifications in *Scotland*, be likewiſe put in the ſame condition they were before the ſaid Troubles; and that the works be not repair'd, but ſuffer'd to decay; and that the Ordnance, and Ammunition be remov'd; and that it be without prejudice to his Majeſty's former Grant of the ſecond Demand, Concerning the keeping of the Caſtles of the Kingdom of *Scotland*, 14*th.* of *June*, 1641.

To their deſire concerning Unity in Religion, and Uniformity of Church Government, as a ſpecial means for conſerving of Peace betwixt the two Kingdoms, upon the Grounds and Reaſons contain'd in the Paper of the 10*th. of* March, *given in to the Treaty and Parliament of* England,

It is anſwered, upon the 15*th.* of *June*, That his Majeſty, with the Advice of both Houſes of Parliament, doth approve of the affection of His Subjects of *Scotland*, in their deſire of having a Conformity of *Church-Government* between the two Nations, and as the Parliament hath already taken into Conſideration the Reformation of *Church-Government*, ſo they will proceed therein in due time, as ſhall beſt conduce to the glory of God, the Peace of the Church and of both Kingdoms. *Undecimo Junij*, 1641.

To their deſire of the King's Majeſty, and the Prince their coming, and reſiding ſome times in *Scotland*, upon the Reaſons given in, *February* the 16*th.* 1640, 1641.

It is anſwered upon the 9*th.* of *June*, that his Majeſty doth take in good part, the ſenſe his Subjects of *Scotland* have of His abſence, and the dutiful expreſſion they make of their deſire to have Him, and the Prince His Son frequently among them; and aſſuring Himſelf, that they have no other intention in this Demand, but meerly to expreſs their love to His Perſon, and the welfare of His ancient Kingdom. He declares unto them, that as He ſhall find the urgency of thoſe affairs require His Preſence, and His other conveniencies here permit, He will repair thither, and the Prince His Son; ſo far, as He may know, and be acquainted with the People there, 9*th.* of *June* 1641.

To the deſire, concerning the manner of chooſing and placing of the Officers of State, Counſellors and Seſſioners, within the Kingdom of *Scotland*, by Advice of the Parliament, upon the grounds and reaſons given in, *March* 15*th.* 1640, 1641.

It is anſwered the 9*th.* of *June*, in his Majeſty's Name; We intend nothing more heartily and really, than that our People ſhall be Govern'd by the Laws of the Kingdom; and that all Judges in their ſeveral Judicatories ſhould Judge accordingly.

Therefore We will never allow nor permit, that either Counſellors, Officers of State or Judges, be examined from our, and our Parliaments tryal and cenſure; for the diſcharging of their duties in their ſeveral Offices and places. Likewiſe we conceive, that nothing will more conduce to the good of our Service, and the Peaceable and happy Government of the Kingdom; than that Officers of State, places of Counſel and Seſſion, and other Judicatories, be provided with honeſt, able, and qualified Men; for which end, and becauſe of our neceſſary abſence from that Kingdom, which maketh the qualification of Perſons fit for Places, leſs known to us,

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16 *Car.*

We ſhall ſo far give ear to the Informations of our Parliament, and when our Parliament is not ſitting, of our Council and Colledge of Juſtice, as that we ſhall either make choice of ſome one of ſuch, as they by common conſent upon the vacancy of the Place ſhall recommend unto Us: Or if we ſhall conceive another Perſon to be fitter than any of theſe recommended, We ſhall make the ſame known to the Parliament, or in the time between Parliament, to Our Council and Seſſion, that from them we may be informed of the Qualification and Abilities of the Perſon named by Us; to the effect, that if by their Information it ſhall appear to Us, that there is juſt exception againſt the Life, and Qualification of the ſaid party, We may timely nominate ſome other, againſt whom there ſhall be no juſt exception.

By which means we doubt not; but that We ſhall from time to time, chooſe ſuch honeſt Men, as for their known Integrities and Abilities, ſhall be fit to diſcharge their Places and Offices, with that duty and ſufficiency, which We and Our Subjects may juſtly expect.

Which intention of Ours, being now ſo clearly and fully expreſs'd, We doubt not, but it will give good ſatisfaction to Our enſuing Parliament.

And as We never intended, to remove Juſt and Able Men from their places in the Colledge of Juſtice; So do We now declare for our Peoples full ſatisfaction, that their Places ſhall be provided unto them, *Quam diu ſe bene geſſerint.*

And if this Our anſwer, cannot content the *Scottiſh* Commiſſioners, We do then remit the whole Anſwer to be conſider'd by Us, or Our Commiſſioners, and the Parliament, at the next ſitting thereof. *9th.* of *June* 1641.

To their deſire of placing ſome *Scottiſh men* of Reſpect about the King and Queens Majeſty's, and the Prince's Highneſs, upon the grounds and reaſons given in the *9th.* of *April* 1641.

It is anſwered, His Majeſty's Goodneſs and Grace, towards His Subjects of *Scotland*, in placing them about His own Perſon, in Places of greateſt nearneſs and Truſt, hath been ſuch, as ought to give them full ſatisfaction of His Royal affection towards His Subjects of His Native Kingdom.

Therefore, for this point, His Majeſty needeth onely to aſſure them, that He ſhall continue the ſame care, which hitherto He hath done for their ſatisfaction in this particular; and not onely ſo, but ſhall alſo recommend the ſame to the Prince his Son, that Succeſſively the Kingdom of *Scotland* ſhall ſo taſte of the care of their Sovereigns, *That by the grace of God, they ſhall never want a ſufficient number of honeſt, and ſufficient Perſons of that Nation, about the King's Perſon and Prince's, againſt whom there ſhall be no juſt exception. The 9th. of* June 1641.

To their deſire, that none may have place about his Majeſty, and the Prince, but ſuch as are of the Reformed Religion, in manner expreſs'd in the paper, *1ſt.* of *April* 1641.

It is anſwered, His Majeſty doth conceive, that His Subjects of *Scotland* have no intention by this Propoſition, (eſpecially by way of demand) to limit, or preſcribe unto Him the choice of His Servants, but rather to ſhew their zeal to Religion; wherein His own Piety will make Him do therein, that which may give juſt ſatisfaction to His People. *9th.* of *June* 1641.

To their deſire given in the firſt of *April*, concerning the Copper Coin;

It is anſwered, Whereas the *Scottiſh* Commiſſioners have repreſented unto his Majeſty, the great prejudice ſuſtain'd by the Kingdom of *Scotland*, through the Coining of Copper-money, which hath paſſed there this long time bygone for ſeven times, and above as much as the true value and worth thereof, contrary to the continual cuſtom of that Kingdom; and therefore deſiring, that no Copper-money be Coin'd hereafter, without conſent of the Eſtates convened in Parliament, who may remedy the preſent prejudices the Countrey ſuſtains thereby; and who upon good conſideration of the neceſſity thereof in time to come, may appoint ſuch a competent proportion as is fit, and as the Countrey ſhall require for the uſe of the poor, and for change in Buying and Selling of Commodities, and that the ſame ſhall not paſs, but according to the Intrinſick value thereof, with the allowance of a tenth part, or ſuch a proportion as the Parliament ſhall think fit to allow for the Impreſſion, and workmanſhip in Coining. His Majeſty is graciouſly pleas'd to recommend to the

An. 1641. enſuing Parliament of *Scotland*, the whole matter of Copper-Coin, and remits to their Conſideration to take ſuch Order therein as they ſhall think fitting; not only concerning the Copper-Coin to be coined hereafter, but alſo the Copper-Money already coined, how the ſame ſhall take vent, and paſs in payment in time coming, conform to the Paper of the Ninth of *June*, 1641.

Concerning an Act of Oblivion.

IT is agreed unto, That in the approaching Parliament of *Scotland*, there ſhall be an Act of *Pacification*; declaring, That the late Commotions and Troubles ariſing from the Innovations of Religion, and Corruption of Church Government, by the Mercy of God, and the King's Royal Wiſdom and Fatherly Care, are turn'd into a quiet Calm and comfortable Peace, leſt either his Majeſty's Love, or the conſtant Loyalty of his Subjects, in their Intentions and Proceedings, be hereafter call'd in queſtion; and that ſuch Things as have fallen forth in theſe tumultuous Times, while Laws were ſilent, whether prejudicial to his Majeſty's Honour and Authority, or to the Laws and Liberties of the Church and Kingdom, or to the particular Intereſt of the Subject (which to examine and cenſure in a ſtrict courſe of Juſtice, might prove an hindrance to a perfect Peace), may be buried in perpetual Oblivion: So it is expedient for making the Peace and Unity of his Majeſty's Dominions the more firm and faithful, and that his Majeſty's Countenance, againſt all Fears, may ſhine upon them all the more comfortably, that an *Act of Oblivion* be made in the Parliaments of all the three Kingdoms, for burying in Forgetfulneſs all Acts of Hoſtility, whether between the King and his Subjects, or between Subject and Subject; or which may be conceiv'd to ariſe upon the coming of any *Engliſh* Army againſt *Scotland*, or coming of the *Scottiſh* Army into *England*; or upon any Action, Attempt, Aſſiſtance, Counſel, or Advice, having relation thereunto, and falling out by the occaſion of the late Troubles preceeding the Concluſion of the Treaty, and the Return of the *Scottiſh* Army into *Scotland*: That the ſame, and whatſoever hath enſu'd thereupon, whether trenching upon the Laws and Liberties of the Church and Kingdom, or upon his Majeſty's Honour and Authority, in no time hereafter may be call'd in queſtion, nor reſented as a Wrong, National or Perſonal, whatſoever be the Quality of the Perſon or Perſons, or of whatſoever Kind or Degree (Civil or Criminal) the Injury is ſuppoſed to be; and that no mention be made thereof in time coming, neither in Judgment, nor out of Judgment, but that it ſhall be held and reputed, as though never any ſuch thing had been thought nor wrought. And this to be extended not only to all his Majeſty's Subjects now living, but to their Heirs, Executors, Succeſſors, and all others whom it may concern in any time to come: And for that end, that by the tenour of this Statute, all Judges, Officers, and Magiſtrates whatſoever, be prohibited and diſcharged of directing of Warrants for Citation, Proceſſing, or Executing any Sentence or Judgment upon Record, or any way moleſting any of his Majeſty's Lieges, concerning the Premiſſes in all time coming. Like as that his Majeſty for himſelf and his Succeſſors, promiſeth *in Verbo principis*, never to come in the contrary of this Statute and Sanction, nor any thing therein contained; but to hold the ſame in all points firm and ſtable: And ſhall cauſe it to be truly obſerved by all his Majeſty's Lieges, according to the Tenour and Intent thereof, for now and ever; and that in all time coming theſe Preſents ſhall have the full force and ſtrength of a true and perfect Security, as if they were extended in moſt ample and legal form. Providing, That the Benefit of the ſaid Statute ſhall no ways be extended to any of the *Scottiſh* Prelates, or to *John* Earl of *Traquair*, Sir *Rob. Spotſwood*, Sir *John Hay*, and Mr. *Walter Balcanquall*, cited and purſued as Incendiaries betwixt the Kingdoms, and betwixt the King and his People, and for Bribery, Corruption, and many other groſs Crimes contained in their Charges general and ſpecial, nor to any other Perſons, who are cited, and ſhall be found by the Parliament of *Scotland*, in his Majeſty or his Commiſſioners their own hearing, to be ſo extraordinarily guilty of theſe and the like Crimes, as they cannot in Juſtice, and with the Honour of the King and Country, paſs from them. Provided further, That the Benefit of this Act ſhall not be underſtood to extend to the Favour of Thieves, Robbers, Murtherers, broken

broken Men, Sorners, Out-laws, nor their Receptors; with reſervation alſo of the legal Purſuits and Proceſſes of the *Scots* in *Ireland*, for the reparation of their Loſſes according to Juſtice, againſt ſuch who have illegally wronged and perſecuted them, ſince by one of the Articles of the Treaty, they are appointed to be reſtored to their Means and Eſtate. It is alſo to be underſtood, That nothing is meant hereby to be done, in prejudice either of the Payment of the Debts owing upon Promiſe or Security, by the *Scottiſh* Army, to any of the Counties, or to any Perſon there (the ſame being inſtructed before the removal of the *Scottiſh* Army), or of the Arrears due to the *Scottiſh* Army, or to that brotherly Aſſiſtance granted them by the Parliament of *England*. 16 *Car.*

That the great Bleſſing of a conſtant and friendly Conjunction of the two Kingdoms, now united by Allegiance and Loyal Subjection to one Soveraign and Head, may be firmly obſerved, and continued to all Poſterity; it is agreed, that an Act be paſſed in the Parliament of *England*, That the Kingdoms of *England* or *Ireland*, ſhall not denounce nor make War againſt the Kingdom of *Scotland*, without Conſent of the Parliament of *England*: As, on the other part, it ſhall be enacted there, That the Kingdom of *Scotland* ſhall not denounce nor make War againſt the Kingdoms of *England* or *Ireland*, without Conſent of the Parliament of *Scotland*. No Ships, either of the King's or Free-booters, or others, ſhall ſtop the Trade of the Kingdom, or hinder or harm their Neighbour-Kingdom, without Conſent of Parliament declaring a Breach of Peace. And if any Armies ſhall be levied, or Trade ſtopped, and Neighbours harmed or wronged, the States of the Country by which it is done, to be obliged to purſue, take, and puniſh the Offenders with all rigour. And if any of the Kingdoms aſſiſt, receive, or harbour them, they are to be puniſhed as Breakers of the Peace. And if after Complaint and Remonſtrance to the Commiſſioners after-mentioned, and to the Parliament, Redreſs and Reparation be not made, then, and in that Caſe, the ſame to be counted a Breach of the Peace by the whole Kingdom.

And in caſe any of the Subjects of any of the Kingdoms ſhall riſe in Arms, or make War againſt any other of the Kingdoms and Subjects thereof, without Conſent of the Parliament of that Kingdom whereof they are Subjects, or upon which they do depend, That they ſhall be held, reputed, and demeaned as Traitors to the States whereof they are Subjects. And that both the Kingdoms in the Caſes aforeſaid, be bound to concurr in the repreſſing of thoſe that ſhall happen to ariſe in Arms, or make War without Conſent of their own Parliament. And that the way of convening Forces for ſuppreſſing ſuch as levy War, be as in caſe of Invaſion; provided, That this be not extended to particular Quarrels upon the Borders: And that it be enacted, That in ſuch caſe, it ſhall be lawful for any of the Subjects to convene, to ſuppreſs ſuch evil-affected Perſons: And that each Kingdom ſhall be bound by Publick Faith, punctually to perform this Article. And if either Parliament ſhall denounce War, they ſhall give three Months warning.

That the Peace to be now eſtabliſh'd, may be inviolably obſerved in all time to come, it is agreed, That ſome ſhall be appointed by his Majeſty, and the Parliaments of both Kingdoms, who in the interim, betwixt the ſitting of the Parliaments, may be careful that the Peace, now happily concluded, may be continued; and who ſhall endeavour by all means to prevent all Trouble and Diviſion. And if any Debate or Difference ſhall happen to ariſe, to the Diſturbance of the common Peace, they ſhall labour to remove or compoſe them according to their Power. It being ſuppoſed, that for all their Proceedings of this kind, they ſhall be anſwerable to the King's Majeſty, and the Parliaments. And if any thing ſhall fall forth which is above their Power, and cannot be remedied by them, they ſhall inform themſelves in the Particulars, and repreſent the ſame to the King's Majeſty, and the enſuing Parliaments, that, by their Wiſdom and Authority, all Occaſions and Cauſes of Troubles being removed, the Peace of the Kingdom may be perpetual to all Poſterity. And it is declared, That the Power of the Commiſſion ſhall be reſtrained to the Articles of Peace in this Treaty.

Whereas it is deſired, That an Act may be made in the Parliament of *England* for ratifying of the Treaty, and all the Articles thereof, which is likewiſe to be ratified in the Parliament of *Ireland* (which in all the Articles is comprehended under the Name of *England*) and after the Treaty is confirmed in the ſaid *Engliſh*

An. 1641. *liſh* Parliament, and all other neceſſary Conditions performed, the Armies on both ſides ſhall at a certain Day to be appointed for that effect, remove an ddiſband: So that when the *Scottiſh* Army ſhall remove from *Newcaſtle*, the *Engliſh* Army ſhall likewiſe be disbanded, and repair home to their ſeveral Countries and Places of their Reſidence; and the *Iriſh* Army to disband before that time, that hereafter a quiet and durable Peace may be kept, according to the Articles. And that this Treaty, and whole Proceedings thereof, may be likewiſe ratified in the Parliament of *Scotland*, and a firm Peace eſtabliſhed, it is deſired that his Majeſty may be graciouſly pleaſed now to declare, That the enſuing Parliament of *Scotland* ſhall have full and free Power, as the nature of a free Parliament of that Kingdom, doth of it ſelf import, to ratifie and confirm the Treaty and whole Articles thereof, and to receive account of all Commiſſions granted by them, examine their Proceedings, and grant Exonerations thereupon; and to treat deliberately, conclude, and enact whatſoever ſhall be found conducible to the ſetling of the Good and Peace of that Kingdom: And that his Majeſty's Commiſſioners ſhall be authorized with full Power, to approve whatſoever Acts and Statutes, which, upon mature deliberation, ſhall happen to be accorded unto by the Eſtates in that behalf, and ſhall ſit and continue without Interruption or Prorogation, while all things neceſſary for that effect, be determined, enacted, and brought to a final Concluſion; unleſs for better Conveniency of Affairs, his Majeſty's Commiſſioner, which the ſpecial Advice and Conſent of the Eſtates, ſhall think fit to adjourn the ſame to any other time, which ſhall no ways derogate from the full and perfect concluding of the whole Premiſſes, before the ſaid Parliament be diſſolved.

This whole Article is aſſented unto; but in ſo far as concerns the Days and Circumſtances of Disbanding to be agreed upon.

Foraſmuch as the ſeveral Juriſdictions and Adminiſtrations of Juſtice, in either Realm, may be deluded and fruſtrated by Delinquents for their own Impunity, if they ſhall commit any Offence in the one Realm, and thereafter remove their Perſons, and make their abode in the other: Therefore that no Perſon ſentenced by the Parliament of either Nation, as Incendiaries betwixt the Nations, or betwixt the King and his People, ſhall enjoy any Benefit, Civil or Eccleſiaſtical, or have any ſhelter or protection in any other of his Majeſty's Dominions; like as where Malefactors and Criminals, guilty of the Crimes mention'd in the Act of Parliament, 1612. *Cap.* 2. and others of that nature, and committed by *Scottiſhmen*, within the Kingdom of *England* or *Ireland*, or any part thereof, are taken, and apprehended in *England* or *Ireland*, that it ſhall be lawful to the Juſticiars of *England* or *Ireland*, to remand them to *Scotland*, as the Act bears. And further, If any Malefactors committing Crimes in *Scotland*, *England*, or *Ireland*, being duly proceſſed in the Kingdom where the Crimes are committed, and being Fugitives, and remaining in any other of the Kingdoms foreſaid, that the Judges of either Kingdoms ſhall be holden, at the inſtance and ſuit of the Party offended, to take and remand the Criminals and Malefactors, to the Kingdoms where the Crimes were committed. And the like Act to be made in *Scotland*; and this Act to extend as well to Debts as Crimes, and what further is requiſite concerning this, and other particulars, for ſetling of Peace, in the middle Shires, and accellerating Juſtice upon the Delinquents, both Civil and Criminal, is to be conſidered by the Committee to be appointed for that effect.

It is anſwered, That ſuch Perſons as ſhall be Natives in either Kingdom, and ſhall commit any Offence in the Realm whereof they ſhall be Natives, and ſhall afterwards remove their Perſons into the other: And ſuch Perſons as ſhall be Inhabitants in either Kingdom, and ſhall commit any Offence in the Realm where they ſhall be Inhabitants, during the time of their Habitation there, and ſhall afterwards remove their Perſons into the other; and ſhall be for that ſame cenſured by the Parliament of that Nation where the Offence was committed, as Incendiaries betwixt the Nations, or betwixt the King and his People, ſhall not enjoy any Benefit, Civil or Eccleſiaſtical, or have any Protection in any other of his Majeſty's Dominions; and that ſuch *Scottiſh* Natives, incenſing the King of *England* againſt the Kingdom of *Scotland*, ſhall be remanded, at the Deſire of the *Scottiſh* Parliament, into *Scotland*, to abide their Trial and Cenſure there, ſo that the ſame be reciprocal to both Nations; but other Criminals and Debts to be referred to the Laws.

The

16 Car.

The Propoſitions and Articles given in by the Scots *Commiſſioners, after the Lord* Lowdon *his Return from the Parliament of* Scotland.

That the Treaty of Peace may be brought to a ſpeedy and happy Cloſe, we did offer to your Lordſhips Conſideration the Particulars following:

1. THat ſo ſoon as the *Scottiſh* Army ſhall remove out of *England* to *Scotland*, the *Engliſh* Gariſons of *Berwick* and *Carliſle* remove, *ſimul & ſemel.*

2. Leſt Malefactors, who have committed Theft, Murther, and the like Crimes, crave the Benefit of the Act of Pacification and Oblivion, for whom it is no ways intended; there would be an exception from the ſaid Act, of all legal purſuit, intended or to be intended, within the ſpace of one Year, after the Date of the Treaty, againſt all Thieves, Sorners, Out-laws, Fugitives, Murtherers, broken Men, or their Receptors for whatſoever Thefts, Reifs, Hardſhips, Oppreſſions, Depredations, or Murther done or committed by them; and all lawful Decrees given, or to be given, by the Parliament, or any Commiſſioners to be appointed by them for that effect, who ſhall have power to dignoſce and take cognition, whether the ſame falls within the ſaid Act of Pacification and Oblivion, or not.

3. It is deſired, That the Demand concerning the not making or denouncing of War with Foreigners, without Conſent of both Parliaments, may be condeſcended unto by the King and Parliament of *England*, which is ordinary and univerſally obſerved in all mutual Leagues, which are both defenſive and offenſive; and becauſe the Wars denounced by one of the Kingdoms with Foreigners, although made without Conſent of the other Kingdom, will engage them by neceſſary Conſequence; or if the Conſideration of that Propoſition, ſhall require longer time than the preſent Condition of the important Affairs of the Parliament may permit, and leſt the ſpeedy Cloſe of the Treaty be thereby impeded, it is deſired, That this Demand, with the two other Articles of the ſame nature; the one concerning Leagues and Confederations, and the other concerning mutual Supply in caſe of Foreign Invaſion, may all three be remitted to Commiſſioners, to be choſen by both Parliaments, who ſhall have power to treat and adviſe thereupon, for the Good of both Kingdoms, and to report to the Parliaments *reſpectivè.*

4. It is deſired, That the Articles concerning Trade and Commerce, Naturalization, mutual Privilege and Capacity, and others of that nature already demanded, may be condeſcended unto by the King and Parliament of *England*: And namely, that demand about the preſſing of Ships or Men, by Sea or Land; or if ſhortneſs of Time, and exigency of Affairs, may not permit the preſent Determination of theſe Demands; it is deſired, That theſe ſame (except ſo many of them as are already agreed unto by the Commiſſioners for Trade) may be remitted to the Commiſſioners to be choſen by both Parliaments, who ſhall have power to treat and adviſe thereof, for the good of both Kingdoms, and to make report to the Parliaments *reſpectivè*. And that the Charters or Warrants of the *Scottiſh* Nation, for freedom of Shipping in *England* or *Ireland*, from all Cuſtoms, Impoſts, Duties, and Fees, more than are paid by the Natives of *England* and *Ireland*, granted by King *James* under the Broad Seal of *England*, upon the Eleventh of *April*, in the Thirteenth Year of his Reign, and confirmed by King *Charles*, upon the Ninteenth of *April*, in the Eighth Year of his Reign, may be ratified and enacted in the Parliament of *England*.

5. That the Extracts of Bands and Decretes put upon Record and Regiſter in *Scotland*, may have the like Faith and Execution, as the *French Tabelliones* have in *England* or *Ireland*, ſeeing they are of alike Nature, and deſerve more Credit; and if this cannot be done at this time, that it be remitted to the former Commiſſion from both Parliaments.

6. The manner of ſafe Conduct for tranſporting the Money from *England* to *Scotland*, by Sea or Land, would be condeſcended upon, in ſuch a way as the Charges be not exorbitant.

7. The tenour of the Commiſſion for conſerving of Peace would be condeſcended unto, together with the Times and Places of Meetings, and whole Frame thereof; the Draught whereof, when it is drawn up in *England*, is to be repreſented to the Parliament of *Scotland*, that they may make like Commiſſion, and name their Commiſſioners for that effect.

8. The

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8. The Parliament of *Scotland* do join their earneſt and hearty Deſire, and crave the Parliament's Concurrence, that none be in Places about the Prince his Highneſs, but ſuch as are of the Reformed Religion.

9. That an Act of Parliament of Publick Faith for payment of the Two hundred and twenty thouſand Pounds of the Brotherly Aſſiſtance which is Arrear, may be preſently framed and expedited, according to the Terms agreed upon.

10. It is deſired, that the *Quorum* to whom the *Scots* ſhould addreſs themſelves for payment of 220000 *l.* be condeſcended upon.

11. That the Order for re-calling all Proclamations, *&c.* made againſt his Majeſty's Subjects of *Scotland*, be drawn up, and intimated in due form and time, with the Publick Thankſgiving at all the Pariſh-Churches of his Majeſty's Dominions.

12. It is deſired, That the Articles concerning the Caſtle of *Edinburgh*, and other Strengths of the Kingdom may be underſtood to be, that the ſame ſhall be diſpoſed of for the Weal of the Kingdom, as the King and Parliament ſhall think expedient.

The Engliſh *Lords Commiſſioners Anſwer.*

1. THat upon the Diſbanding of the *Scottiſh* Army, the Gariſons of *Berwick* and *Carliſle* ſhall be removed, according to the Article of the Treaty on that behalf.

2. The ſecond Article is condeſcended unto, according to the Proviſion added to the Act of Oblivion and Pacification.

3, 4, 5, 6. The third Demand concerning the making of War with Foreigners, with the other two Articles, concerning Leagues and Confederations, and concerning mutual Supply and Aſſiſtance againſt Foreign Invaſion; as likewiſe the 4, 5, and 6. Articles, concerning Trade, Commerce, Naturalization, mutual Privilege and Capacity, and others of that nature, and the Demands concerning the Extracts of Bands and Decretes, and the manner of ſafe Conduct for tranſporting of Moneys from *England* to *Scotland*, are all referred to be taken into conſideration by the Commiſſioners to be appointed by both Parliaments, who ſhall have Power to adviſe and treat thereupon, and report to the Parliaments *reſpectivè*.

7. It is juſt, That the Tenour of the Commiſſion for conſerving of Peace, ſhould be agreed upon by mutual Conſent; but the cloſing of the Treaty not to ſtay hereupon, but to be left to the Commiſſioners to be named.

8. To that Deſire, concerning ſuch as ſhould be placed about the Prince, the King hath already given a clear and ſatisfactory Anſwer.

9. That there be an Act of Parliament of publick Faith, for ſecuring the payment of 220000 *l.* which is Arrear of the Brotherly Aſſiſtance, is juſt; and order is given for it accordingly: And it ſhall be communicated with the *Scottiſh* Commiſſioners, that it may be a perfect Security.

10. The Tenth, for appointing a *Quorum* for attending the payment of the Money, is already moved to the Parliament, and will be done as is deſired.

11. The Eleventh Article is very juſt, aud order ſhall be given accordingly for re calling all Proclamations, *&c.* and for publick Thankſgiving.

12. This Arricle for the Caſtle of *Edinburgh*, and other Strengths of *Scotland*, is to be ſetled betwixt his Majeſty and the Commiſſioners of *Scotland*; or by his Majeſty and Parliament of *Scotland*.

All which Articles are aſſented unto, and approved by his Majeſty, with Advice of the Parliament of *England*, and by the Committees of the Parliament of *Scotland*; and are neceſſary, for publick Declaration of mutual Conſent; and for firm Obſervation, to be confirmed and ratified in the Parliaments of both Kingdoms.

The Act of *Pacification.*

BE it therefore enacted by his Majeſty, with the Aſſent of the Lords and the Commons, in this preſent Parliament aſſembled, That the ſaid Treaty, and all the Articles thereof aſſented to as aforeſaid, be and ſtand for ever ratified and eſtabliſhed, and have the Force, Vigour, Strength, and Authority of a Law, Statute, and Act of Parliament.

Like as this afore-written Treaty, and whole Articles thereof, are by his Majeſty and the States of the Parliament of Scotland, *enacted and ordained in all time coming, the full force and ſtrength of a true and perfect Security, and Act of the ſaid Parliament.*

And

16 Car.

And his Majeſty for Himſelf and His Succeſſors, doth promiſe in verbo Principis, *never to come in the contrair of this Statute and Sanction, nor any thing therein contained, but to hold the ſame in all points firm and ſtable, and ſhall cauſe it to be truly obſerv'd by all his Majeſty's Leiges, according to the Tenour and Intent thereof, for now and ever.*

Like as the Parliament of both Kingdoms give full aſſurance, and do make publick Faith in the Name of both Kingdoms Reſpectively, for the True and Faithful Obſervance of this Treaty, and whole Articles thereof Inviolably, hinc inde, *in all times to come.*

Kings Anſwer why he cannot ſtay His Journey, *Auguſt* 9.

The Lords ſignifie to the Commons at a Conference, His Majeſty's Anſwer, deliver'd by his Majeſty in the Houſe of Peers, as to His Journey, which was to this purpoſe; *That His Faith was engag'd to be in that Kingdom,* and which was ſo far ingag'd, *That He could not but go,* and the Condition of the Affairs of that Kingdom, *did require His preſence*; He deſir'd the expediting of the Bill concerning the Treaty, that He might give His anſwer in Perſon; that He had left ſuch Order for the Government in His abſence, as He doubted not, but would give content.

His Majeſty's further anſwer.

The Lord's Impart, at another Conference, His Majeſty's further anſwer; That He forgot to tell the Houſes Yeſterday of one thing, That His buſineſſes are ſo well prepared in *Scotland*, that He will make *no long ſtay* there, and intends to be back before *Michaelmas*; and concerning the Army, which He is ſorry is not already Disbanded, upon the *Word of a Prince* He will do His beſt, and hopes (not without good effect) for the ſpeedy Disbanding thereof.

Tueſday Aug. 10. The King paſſed ſeveral Bills, took His leave of the Parliament, and went this day toward *Scotland.*

His Majeſty came to the Houſe of Lords, to give His conſent to ſeveral Acts that were prepared for His Majeſty to paſs, and accordingly He gave His Conſent to the Act for the Treaty between both Kingdoms. To the Bill for Knighthood. The Bill for Regulating the Clerks of the Market. He likewiſe ſign'd the limited Commiſſion for paſſing Bills in His abſence, and theſe Lords following were the Commiſſioners, *viz.* The Lord *Keeper*, The Lord *Privy Seal*, The Earl of *Lindſey*, The Earl of *Eſſex*, Marquiſs of *Hartford*, Earl of *Bath*, and the Earl of *Dorſet*. And then His Majeſty making a ſhort Speech, deſiring the care of the Parliament in His abſence, to preſerve the Kingdom in Peace, took His leave of the Parliament, and at two a Clock in the afternoon begun His Journey, having none with Him in Company in His Coach, but the Prince Elector *Palatine*, The Duke of *Lenox*, (being but three days before Created Duke of *Richmond*) and Marquiſs *Hamilton.*

Auguſt 10. Moneys order'd to be paid to the Queen Mother.

Ordered, That theſe Summs following ſhall be paid upon the days appointed, Concerning the Queen Mother, *viz.*

On the Firſt of *October*, 2000 *l.*

On the Firſt of *November*, 2000 *l.*

On the Firſt of *December*, 2000 *l.*

On the Firſt of *January* in *Antwerp*, or ſuch other Place beyond the Seas, as the Queen Mother ſhall think fit, 1000 *l.*

Auguſt 12. Remonſtrance.

The Commons enter'd into debate of many paſſages, of the Remonſtrance of the State of the Kingdom, and of the general grievances of the People.

Auguſt 13. People in Tumults pull down Incloſures.

A Complaint was made to the Houſe of Commons, that multitudes of people were got together in *Lincolnſhire*, and were pulling down the Hedges and *Incloſures* with great violence, whereby thoſe grounds were thrown open, to great ſpoil and deſtruction. The Houſe hereupon thought fit to recommend it to the Juſtices of Peace of that County, to prevent ſuch diſorderly Actions.

Auguſt 14. One Lord and two Commoners to be ſent into *Scotland.*

The Houſe of Commons this day took into conſideration the buſineſs of *Scotland*, and the total Disbanding of the Army, and debated that a Committee of Lords and Commoners, ſhould be ſent to the Parliament in *Scotland*, to remain there, and to inform the Parliament in *England* from time to time of their proceedings.

Auguſt 16. A Letter from the Earl of *Holland.*

The Houſe of Peers having receiv'd a Letter from the Earl of *Holland* Lord General, wherein were ſome obſcure Words, as if there were new Practices and Deſigns againſt the Parliament, Thereupon the Lords thought fit at a Conference with the Commons, to impart the Contents thereof, and deſired that a Conſideration thereof might be taken by the Parliament, to prevent dangers that

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All Private buſineſs laid aſide.

that might happen: Hereupon the Commons appointed a Committee to conſider of putting the Kingdom into a poſture of Defence.

And to the end, that nothing might hinder the Houſe to proceed in publick Concerns, they Order'd all private Committees to ceaſe, and no Committee to proceed in any private buſineſs until *Michaelmas* Term next.

The names of the Members to go into *Scotland.*

The Perſons nam'd to go Commiſſioners into *Scotland*, were *William* Earl of *Bedford*, *Edward* Lord *Howard*, *Nathaniel Fiennes* Eſquire, Sir *William Armyne* Baronet, Sir *Philip Stapleton* Knight, and *John Hambden* Eſquire. And a draught of a Commiſſion was ſent to the King to ſign; *To impower Them to go into* Scotland, *and there to Treat, Confer and Conclude, with ſuch Commiſſioners as ſhould be named by the Parliament of that Kingdom, according to the Inſtructions annext, or ſuch further Inſtructions as they ſhould receive from the Lords and Commons aſſembled in the Parliament of* England, *and with his Majeſty's Conſent.* But the King refus'd to ſign ſuch Commiſſion, and Commanded *Anthony Nicholls* Eſquire (who was ſent Expreſs to his Majeſty from both Houſes on that Meſſage) to ſignifie the Reaſons why He declin'd it, *viz.* Becauſe the Treaty of Pacification was already ratified by the Parliament of *Scotland*, and this Commiſſion would beget new matter, and be a means to detain his Majeſty longer than He intended; and that the *Scots* Army was over the *Tweed*, and the Lord General hath almoſt Disbanded all Our Army; and therefore his Majeſty ſaw no neceſſity for ſuch Commiſſion; yet was pleas'd to give leave to the Members named, to come and attend Him in *Scotland*, to ſee the Ratification of the Treaty, and what elſe belongs thereto. This anſwer of his Majeſty was dated at *Edinburgh*, the 25th. of *Auguſt* 1641.

The King refuſes to ſign them a Commiſſion, and the reaſons why.

But though the Earl of *Bedford* were nominated of this Committee, He did not go; but onely the Lord *Howard* of *Eskrick* of the Lord's Houſe.

Mr. *Pym* reports from the Committee appointed, to prepare Inſtructions for the Committee to go into *Scotland*, ſignify'd unto the Houſe of Lords, That this Houſe doth agree, and conſent to the Propoſition made by the Lords for ſending ſome Perſons to the Parliament of *Scotland* from both Houſes, and to deſire their Lordſhips to declare in what manner, theſe perſons ſhall be Authorized, and for their

INSTRUCTIONS,

Inſtructions for the Committee appointed to go to the Parliament of *Scotland. Aug.* 17.

1. To take care of the Ratification of the Treaty, and of thoſe Acts which concern both Nations, and to bring with them an Authentick exemplification of the ſame.

2. That they ſee the Commiſſion ſettled concerning Trade, and of keeping good Correſpondency between both Kingdoms for a publick Peace, according to the Articles of the Treaty.

3. To demand ſatisfaction for ſuch debts as ſhall remain due from the *Scots* unto the Northern Counties, for Proviſion and Moneys raiſ'd, and taken up for the *Scotch* Army.

4. To clear the proceedings of the Parliament of *England*, towards the Parliament of *Scotland*, if they ſhall find any falſe Reports, which may breed a miſconſtruction between both Kingdoms.

5. To aſſure them of the good affection of the Parliament of *England* in all things, ſo far as concerns the Service of his Majeſty, and Peace and Proſperity of both Nations.

6. To certifie the Parliament from time to time of their proceedings, and of all Occurrences which ſhall concern the good of this Kingdom.

7. That they ſhall put in execution, ſuch further Inſtructions as they ſhall receive from both Houſes, as his Majeſty ſhall approve of.

8. That they proceed not in the Treaty with the Parliament of *Scotland*, till Warrant and Commiſſion be ſent down unto his Majeſty, by a Meſſenger of purpoſe, and return with the Warrant to paſs the Commons, under the Great Seal of *England.*

Deſire of a free Conference about the Commiſſion, for thoſe who go to *Scotland.*

To propound to the Lords what Authority theſe perſons ſhall have to Treat, whether by Commiſſion, *&c.* Sir *Thomas Barrington* is appointed to go up to the Lords to deſire a free Conference, concerning the Perſons that are to go from both Houſes, to the Parliament of *Scotland.*

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The ſame Committee that was appointed to prepare Heads for the Conference, are to manage this Conference.

Sir *Thomas Barrington* brings Anſwer, That their Lordſhips will give a preſent meeting as is deſired.

Mr. *Pym* reports from the free Conference with the Lords, concerning what Power was to be given to thoſe of both Houſes, that were to be ſent to the Parliament of *Scotland*; that the Lords were ſomething doubtful, and propounded to have a Meſſenger ſent, to procure his Majeſty's Warrant, and the Commiſſioners to ſtay here till the Meſſenger return'd; and that when the Commons propounded their Inſtructions, the Lords went into the Houſe, and ſaid they would conſider of them.

Auguſt 17. Time given to the Biſhops to put in their Anſwer.

Ordered, by the Lords in Parliament, That the thirteen Biſhops Impeached by the Houſe of Commons, ſhall have time (by virtue of this Order) until *Thurſday* come Month, being the 16*th*. of *September* next, to make their Anſwers unto the ſaid Charge. And hereof they are to take notice, and prepare their Anſwers accordingly.

Mr. *King* Reports the Soap-buſineſs, and upon the whole Report thereof, it was by the Houſe Reſolved as followeth.

Reſolves concerning the Soap-buſineſs.

Reſolv'd upon the Queſtion, 1. That the Information of *Thomas Jones* to his Majeſty, to make hard Soap with *Berilla*, and ſoft Soap without the uſe of Fire, was a deceitful project; and the Letters Patents, dated the 17*th*. of *December*, 7. *Caroli*, obtain'd by *Palmer* and others, to ſet on foot this project, were illegal.

Reſolv'd, &c. 2. That the Letters Patents of Incorporation of Soap-Makers of *Weſtminſter*, dated the 20*th*. of *January*, 7. *Caroli*, and the Indentures of the Covenants thereupon dated the 30*th*. of *May*, 8. *Caroli*, was Monopoly, and illegal in the Creation.

Reſolv'd, &c. 3. That the Proclamation dated the 28*th*. of *June*, 8. *Caroli*, ſet forth in purſuance of the ſaid Indentures of Covenants, was againſt Law and the Liberty of the Subject; and the ſaid Letters Patents, Indentures of Covenant and Proclamation, were a great grievance in the execution of them.

Reſolv'd, &c. 4. That Sir *Henry Compton*, Sir *Henry Guilford*, Sir *Nicholas Forteſcue*, Sir *Richard Weſton*, Sir *Baſil Brook*, Sir *Edward Stradling*, Sir *William Ford*, Sir *James Bagge*, *George Sage*, *Thomas Jones*, *Bainhan Vaughan*, *Francis Townley*, *Thomas Ruſſel*, *Beverly Britton*, are Delinquents.

Reſolv'd, &c. 5. That ſo many of the Perſons above nam'd as are now living, ſhall be forthwith ſent for as Delinquents, by the Serjeant at Arms attending on this Houſe.

Reſolv'd, &c. 6. That the proſecution in the Star-Chamber againſt *Thomas Overman* the Elder, *Thomas Overman* the Younger, *John Hardwick*, *Richard Hinde*, *Thomas Waſher*, *Edmund Whitwell*, *Simon Weeden*, *William Barber*, *Robert Barefoot*, *John Revell*, *James Baker*, *John Hayes*, *Jacob Troughton*, *Thomas Munck*, *Richard Cox*, and *Edwin Griffin*, Soap-Boylers of *London*; the over-ruling their Plea and Demurrer, expunging all their Anſwers, but not guilty; ſuppreſſing their Interrogatories and Depoſitions; the Sentence and Proceedings againſt them, are againſt Law and the Liberty of the Subject, and that the Sentence ought to be reverſed; and *Thomas Overman* the Elder, *John Hardwick*, *Richard Hinde*, *Edmund Whitwell*, *Simon Weeden*, *Robert Barefoot*, *James Baker*, *John Hayes*, *Jacob Troughton*, *Thomas Munck*, *Richard Cox*, and *Edwin Griffin*, ought to have recompence from the parties formerly Voted to be Delinquents, for their Impriſonment and loſs of Trade, ſpoiling their Fatts, Panns, Goods, and other damages thereby occaſioned: And *Grace Barber* the Widow of *William Barber* deceaſed, and his Son; *Ann Revell* the Widow of *John Revell* and her Children; *Mary Waſher* the Widow of *Thomas Waſher* and her Children, and the Relict of *Thomas Overman* the Younger, ought to have the like amends.

Reſolv'd, &c. That the proſecution of the ſaid Star-Chamber Sute, againſt *Thomas Overman*, and the reſt of the *London* Soapers; was at the general charge of the Corporation of *Weſtminſter*, and by the particular Solicitation of Sir *Richard Weſton*, Sir *Baſil Brook* and Mr. *Sage*, three of the Corporation, and one *Beere* a Sollicitor, for and in the Name of the whole Corporation; and that the ſeveral Perſons then of that Corporation and yet alive, ought to make amends to the ſeveral parties aforenamed Reſpectively.

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Reſolv'd, &c. That the Decree made in Star-Chamber the 23*d.* of *Auguſt* 1633. for Regulating the Trade of Soapers is illegal, and tends to the Subverſion of the Laws of this Realm, and to the Introducing of an Arbitrary Government, and is of dangerous conſequence, and ought to be vacated.

Reſolv'd, &c. That all thoſe that were Covenantees with the King, by the Indenture of Covenants dated the 12*th.* of *April* 1636. or had any ſhare in the gains raiſed by the Corporation of *Weſtminſter*, or Stock in that employment, are Delinquents, and ought to make amends to all ſuch as after thoſe Covenants entred into, were reſtrain'd the uſe of their Trades of making of Soap, or ſuſtain'd any loſs in their Fatts, Panns, or otherwiſe by occaſion of the Corporation of *Weſtminſter*.

Order'd, That it be recommitted to the Committee for the Soap-buſineſs, to inform themſelves by the Minuite Book of the Regiſter, for the Court of Star-Chamber, or otherwiſe who were preſent, and gave their conſent to the making of the Decree in Star-Chamber, for regulating the Trade of the Soap-boylers, and who gave Votes in the Sentence of that Court againſt the *London* Soap-boylers; and to conſider who were the Referrees of the Laws Patents, granted to the Corporation of the Soap-boylers of *Weſtminſter*; as alſo who were the firſt Referrees of the Soap-buſineſs, and to conſider who of the Privy-Council gave their Conſent to the illegal Orders made at Council Table. And to conſider what other perſons, have had any benefit in Soap-buſineſs; and are to meet to morrow in the afternoon in the *Exchequer* Court.

Auguſt 18. From this day until the 26*th.* the time of the Houſe was taken up in debate about the Remonſtrance of the State of the Kingdom, and about the ſpeedy getting in of the Poll-money, for the Disbanding of the Army; Whereupon Orders were made, that the Sheriffs be Writ unto, to haſten the Collection thereof, which Letter was to this effect.

A Letter ſent from Mr. Speaker to the Sheriffs of ſeveral Counties, by the Command of the Houſe of Commons.

For expediting the Poll money.

THe Houſe of Commons did hope, that in ſo great a time, and ſo viſible a neceſſity of preſent Money, no private Perſon, much leſs any publick Officers, would have been ſo ſlow in Contributing their aſſiſtance to the Poll-money; but by the not coming of this from ſome parts, the ſlow and ſlender coming of it from others, together with more particular Informations; we are forced to believe, that both Payers, Aſſeſſors, Collectors and Returners, are in fault concerning it.

I am therefore Commanded to let you know from the Houſe, if you tender your own or the publick Good, you make all poſſible haſte in returning ſuch moneys as you have ready, and that you make known to the Commiſſioners, that (if we be not by them prevented) the Houſe intends to make a Review of the Aſſeſsments; to the end, that wherein the Aſſeſſors either through partiality, ſhould be found either to have left any uncharg'd, whom the Act chargeth, or to have charg'd any lower than they are charg'd by the Act; thoſe that ſhould be found faulty, may incurr both the ill Opinion and ſevere puniſhment of Parliament, as contemners of the greateſt Authority, in a time of the greateſt neceſſity; and by that contempt, being cauſes of the Army's leſs ſpeedy Disbanding, to the danger, as well as the unſupportable and unneceſſary expence of this Kingdom.

Aug. 24. 1641. An Order of the Lords and Commons in Parliament, concerning the more ſpeedy tranſporting of the Poll-money to *York*, for the disbanding of his Majeſty's Army.

Likewiſe the Lords and Commons paſſed the following Order, *viz.*

Whereas it is Enacted, that the Sheriffs of the Counties and Cities hereafter nam'd, ſhall, amongſt others, pay ſuch Summs of money as they ſhall receive for the Poll-money, to the Treaſurer, in the Act named in the Chamberlain's Office, within the City of *London*.

Now foraſmuch as their long delay, and ſlow payment is very burthenſom and dangerous to the Kingdom; becauſe the King's Army in the North, by this means remains undisbanded, to the inſupportable charge of the Commonwealth.

For the more ſpeedy relief of the Kingdom, the Lords and Commons in this Parliament aſſembled, do hereby order and ordain, that the ſeveral Sheriffs of *Worceſter*,

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Worceſter, Cambridge, Huntington, Leiceſter, Northampton, Rutland, Warwick, and other Cities that are Counties within thoſe Counties, and every of them reſpectively, ſhall forthwith, on notice of this Order, ſend ſuch moneys now in their hands, or ſhall come to his hand, or any of their hands reſpectively, or to the hands of his Under-Sheriff or Deputy, or to the hands of any of their Under-Sheriffs or Deputies reſpectively, under a ſufficient Guard and Convoy, to the City of *York,* to pay the ſame unto Sir *William Udal* Knight, Treaſurer of his Majeſty's Army now there Reſiding, taking his Acquittance for the ſame; which Acquittance the ſaid ſeveral Sheriffs reſpectively, ſhall ſend to the Chamber of *London*; and that the ſaid Treaſurer in the Act named, ſhall accept of the ſame, as if ſo much money were paid in *ſpecie,* and ſhall deliver an Acquittance or Acquittances for the ſame, which ſhall be as ſufficient a diſcharge to the ſaid ſeveral Sheriffs, as if the money had been paid there.

And the ſaid Treaſurer of the Army is hereby required, that he ſhall as ſpeedily as he may, after the receipt of any ſuch Summs, from any of the Sheriffs afore-mention'd, ſend up to the ſaid Treaſurer of the Chamber of *London,* preſent and diſtinct Certificates of the ſame.

It is further Order'd, That the ſeveral Sheriffs of the Counties, through which theſe moneys do paſs, ſhall provide a ſufficient Convoy to guard the ſame through the ſeveral Counties; and that the Sheriffs, under whoſe charge the money is, ſhall have allowance for Tranſportation thereof in their ſeveral Accounts.

Laſtly it is Order'd, That a ſtrict account be taken of the proceedings of the ſeveral Sheriffs; as alſo the Treaſurer of his Majeſty's Army, and of the Treaſurer appointed by the Act, and of their Obedience and Conformity to this Order; and if any ſhall fail therein, it ſhall be interpreted as a great neglect of the ſafety of the Kingdom, and contempt of both Houſes of Parliament; for which they ſhall be called to anſwer and make ſatisfaction, as well for their offence, as for ſuch damages as the Common-wealth hath undergone by their default.

Auguſt 26. Reſolves concerning *London-Derry.*

Mr. *Whiſtler* reports the Caſe of *London-Derry.* Reſolv'd upon the Queſtion, That the Opinion of this Houſe is,

1. That the Citizens of *London* were ſollicited and preſſed, to the undertaking of the Plantation of *London Derry.*

2. *Reſolv'd, &c.* That the Copy atteſted with Mr. *Goad's* hand, is a true Copy of the Sentence given in the Star-Chamber againſt the Mayor, and Commonalty of the City of *London,* and the Society of the Governors and Aſſiſtants of *London,* of the new Plantation of *Ulſter* in the Kingdom of *Ireland.*

3. *Reſolv'd, &c.* That the Order made in the Court of Star Chamber dated 8*th. Martii* 8. *Caroli,* is unlawful, both for the matter, perſons and time therein prefixed.

4. *Reſolv'd, &c.* That this Houſe is of Opinion, that the King was not deceiv'd in the Grant, which He made unto the Society of Governors and Aſſiſtants of *London,* of the new Plantation of *Ulſter* in the Kingdom of *Ireland.* In particular, not in Creating a new Corporation called, The Society of the Governors and Aſſiſtants of *London,* of the new Plantation of *Ulſter* in the Kingdom of *Ireland.*

5. *Reſolv'd, &c.* That this Houſe is of Opinion, that the King did not by that Patent, grant more Land than was by Him intended to be granted, nor was He therein deceiv'd.

6. That it doth not appear by ſufficient proof, that the Citizens of *London* were ty'd to perform the Printed Articles, and conſequently, not bound to Plant with *Engliſh* and *Scots,* nor reſtrain'd from Planting with Natives.

7. By the 27*th.* Article, the City was to build two hundred Houſes in *Derry,* and one hundred at *Colraine,* by the Firſt day of *November* 1611. But admitting that the Houſes were not built, nor the Caſtle of *Colraine* repair'd by the time preſixed; yet this is no Crime nor Cauſe for giving damages, in regard the City had not their Patent until the 29*th.* of *March* 1613.

8. That there is no proof, That the Governors, *&c.* of the new Plantation, or any of the 12. Companies, did make any Leaſe unto any *Popiſh* Recuant, nor of any decay of Religion there, by default of the Planters.

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9. That there is no proof of any Default in the Planters, for not making a ſufficient number of *Free-holders*, nor any Article that doth tie them thereunto.

10. That there is no proof that the City of *London*, or the Governour of the New Plantations, have felled any Trees, in the Woods called *Glancaubin* and *Kellitrough*, contrary to their Covenant.

11. That the not conveying of Glebe-Lands to the ſeveral Incumbents of the ſeveral Pariſh Churches, in regard they did enjoy the Lands, is no Crime puniſhable, nor cauſe of ſeizure of their Lands.

12. That the breach of Covenant (if any ſuch were) is no ſufficient cauſe to forfeit the Lands.

13. That the breach of Covenant is no Crime, but triable in ordinary Courts of Juſtice.

14. That the Court of Star-Chamber, while it ſtood as a Court, had no power to examine Free-holders or Inheritance.

15. That the Court of Star-Chamber, while it ſtood as a Court, had not any power to examine or determine breach of Covenant or Truſt.

16. That the Sentence upon theſe two Corporations aggregate (no particular Perſon being guilty) it is againſt Law.

17. That in all the proof of this Cauſe, there doth not appear matter ſufficient to convict the City of *London* of any Crime.

18. That upon the whole matter, the Sentence in the Star-Chamber was unlawful and unjuſt.

19. That this Compoſition and Agreement, made with the City upon theſe Terms, in the time of Extremity, ought not to bind the City.

20. That this Houſe is of Opinon, That when the King ſhall be pleaſed to re-pay thoſe Moneys which he hath received upon this Compoſition, and ſuch Rents as he hath received by colour of this Sentence; that then his Majeſty ſhall be reſtored to the ſame ſtate he was in; and the Patent thereupon gotten, ſhall be cancelled or ſurrendered.

21. That the Citizens of *London*, and all thoſe againſt whom the Judgment is given in the *ſcire facias*, ſhall be diſcharged of that Judgment.

That the Opinion of the Houſe is, That they think fit, that both the Citizens of *London*, and thoſe of the New Plantation, and all under-Tenants, and all thoſe put out of Poſſeſſion, by the Sequeſtration or King's Commiſſioners, ſhall be reſtored to the ſame ſtate they were in, before the Sentence in the Star-Chamber.

The Caſe of *Triſtram Beresford*, *Ralph Freeman*, and *John Stone*.

Reſolved, upon the Queſtion, That the Conveyances to Mr. *Beresford*, and the reſt of the Parties to whom the Conveyances were made, are well executed.

That the Haberdaſhers being made no Parties to the *ſcire facias*, their Eſtate is not avoided by the Judgment:

That the Opinion of this Houſe is, That the ſaid Parties ought to be in the ſame eſtate they were in before the iſſuing of his Majeſty's Commiſſion.

The Caſe of *Patrick French*.

Reſolved, upon the Queſtion, That the poſſeſſion of thoſe Lands complained of in this Petition of *Patrick French*, was taken from him unjuſtly, without all colour of Law; and that he ought to be reſtored to the Poſſeſſion, and to the mean Profits during that time.

An Ordinance of Parliament for a Day of publick Thankſgiving, for the Peace between England *and* Scotland, *Aug.* 27.

WHereas it hath pleaſed Almighty God, to give a happy cloſe to the Treaty of Peace, between the two Nations of *England* and *Scotland*, by his wiſe Providence, defeating the evil Hopes of the ſubtile Adverſaries of both Kingdoms: For which great Mercy, it was by the King's moſt Excellent Majeſty, the Lords and Commons in this preſent Parliament, enacted, That there ſhould be a publick Thankſgiving, in all the Pariſh-Churches of his Majeſty's Dominions.

It is now ordained and declared, by the Lords and Commons in Parliament, That the time for the celebration of that publick Thanks to Almighty God, for ſo great and publick a Bleſſing, ſhall be on *Tueſday* the Seventh of *September* next,

by

by Prayers, Reading, and Preaching of the Word, in all Churches and Chappels of this Realm: Whereof we require a careful and due obſervance, that we may all join in giving Thanks, as we partake of the Bleſſing, with our Brethren in *Scotland*, who have deſigned the ſame Day for that Duty. 16 *Car.*

GOD SAVE THE KING.

Die Veneris 27 *die Auguſti*, 1641.

Ordered, by the Lords in Parliament, That the above-ſaid Ordinance be printed.

This Day there was a Conference between the Lords and Commons, wherein the Lords were deſired to continue ſtill to ſit in their Houſe, by reaſon of Buſineſs of weight, which the Commons were ready to preſent to their Lordſhips; and the rather, for that the Receſs of both Houſes is to be ſhortly. To which the Lords agreed; but yet declared their number were but few in the Houſe; and the Sickneſs increaſing, they deſired the Commons to haſten what they had to offer.

Aug. 30, & 31. The Lords intending to adjourn, are deſired to ſit.

The Houſe of Commons that Day took into Conſideration Sir *John Corbet*'s Caſe, being a Member of the Houſe of Commons, as to his Impriſonment and Fine, for Words ſpoken by him at a Quarter-Seſſions in the County of *Salop*, being Words to this purpoſe: *That the Muſter-Maſters Wages throughout* England *were illegal, and againſt the Petition of Right.* In debate of which Buſineſs, the Houſe declared, That a Charge and Impeachment ought to be drawn againſt the late Lord Keeper *Coventry*, the Archbiſhop of *Canterbury*, and others, who conſented to impoſe the Fine upon him, and for cauſing his Impriſonment.

Sir *Jo. Corbet*'s Caſe reported, as to his Fine and Impriſonment. Lord Keeper *Coventry*, and the Archbiſh. of *Canterbury* conſenting to the Fine.

The Lords this Day, at a Conference, reported to the Commons a Letter which they had received from the King; wherein his Majeſty did ſignifie, That he was engaged to let the *Spaniard* have 4000 *Iriſh-men;* But the Houſe of Commons gave their Reaſons why they could not agree, That there ſhould go any *Iriſh* to the *Spaniard*, or any *Engliſh* to the *French*; and moved the Lords, That there might be a Letter ſent into *Scotland*, to adviſe his Majeſty to that purpoſe.

The King engaged to let the *Spaniard* have 4000 diſbanded Soldiers. The Commons do not agree to it.

Upon this occaſion, the following Speech was made by Sir *Benj. Ruddyard.*

Sir Benjamin Ruddyard's *Speech, againſt Soldiers going to the* French *or* Spaniard, *Aug.* 28.

Mr. *Speaker*,

THis is a Buſineſs of great Conſequence, and therefore requires a well-adviſed Reſolution: I will put *France* and *Spain* together; take them both before me, becauſe the Reaſons will ſerve both the one and the other, as they ſtand in relation to us.

We are, Mr. Speaker, ſo bounded by the nature of our Situation, as we are not ſo proper to extend our ſelves upon the firm Land of our Neighbours; our Aptitude is rather to Balance; which being rightly uſed, may make the King the great Arbiter of all the Affairs of Chriſtendom, by aſſiſting, with-holding, or oppoſing. *Henry* VIII. is an Example of this; he was ſometimes of the ſide of the Emperour, other times of the *French* Party, according as he ſaw either ſide of the Scales to weigh heavier or higher. Some might think this to be Inconſtancy in him; but it was certainly out of a true and peculiar Underſtanding of his Power.

The preſent ſtate of Chriſtendom is apparent, that the Houſe of *Auſtria* begins to diminiſh, as in *Spain*, ſo conſequently in *Germany*: That the *French* do ſwell and enlarge themſelves; and if they grow and hold, they will be to us but *Spain* nearer hand.

Alliances do ſerve well to make up a preſent Breach, or mutually to ſtrengthen thoſe States who have the ſame Ends; but Politick Bodies have no Natural Affections; they are guided by particular Intereſt; and beyond that, are not to be truſted.

Although it may be good Policy to breed a *Militia* at the Charge of other States abroad, for our own uſe and occaſions at home, yet that ought rather to be

An. 1641. be done amongſt Friends of the ſame way; and ſo the *Low-Countries* have been an Academy to us.

His Majeſty hath now an Ambaſſadour treating with the Emperour about the *Palatinate:* If we ſend away our Men, it will ſo damp and diſcountenance the Affairs of the Prince Elector, as the World will believe we never had, nor ever ſhall have any Intentions to aſſiſt him at all.

I have obſerved, for divers Years, That *England* is not ſo well-Peopled, but we do want Work-Folks to bring in Harveſt; our disbanded Souldiers will leaſt diſlike that kind of Work: And if they be ſpeedily diſſolv'd, that Employment will entertain them for the preſent, and inure them to Labour hereafter.

Upon theſe Conſiderations, Mr. Speaker, I cannot give my Advice to add more Strength to *France*, by weakning both our ſelves and our Friends.

As for ſending the *Iriſh* into *Spain*, truly, Sir, I have been long of Opinion, That it was never fit to ſuffer the *Iriſh* to be promiſcuouſly made Souldiers abroad, becauſe it may make them abler to trouble the State when they come home: Their Intelligence and Practice with the Princes whom they ſhall ſerve, may prove dangerous to that Kingdom of *Ireland*. They may more profitably be employ'd about Husbandry, whereof that Kingdom hath great need.

Beſides, It will be exceeding prejudicial to us, and to our Religion, if the *Spaniards* ſhould prevail againſt the *Portugueſe*.

It were better for us he ſhould be broken into leſſer pieces, his Power ſhivered.

If the King of *Portugal* had deſired the *Iriſh* Soldiers, I ſhould rather have given my Vote for him, than for the King of *Spain*; becauſe it would keep the Balance more even. *Spain* hath had too much of our Aſſiſtance and Connivance heretofore: I am ſure it loſt us the *Palatinate*. Now that it is come to our turn to adviſe, I hope we ſhall not do over other Men's Faults again.

If the preſent Government of *Ireland* be not able to reſtrain their diſordered People, there is a Noble Lord already deſigned to that Charge, who by his Knowledge in Martial Affairs, and other his great Abilities, will be, no doubt, abundantly capable to reduce them to a due Obedience.

Wherefore, Mr. Speaker, upon the whole matter, my Opinion is, That we ſhould not be forward to ſpend our Men, but rather to preſerve and husband them for our own Uſe and Employments, for our Friends, for our Religion.

During theſe Tranſactions here, his Majeſty happily arrived in *Scotland*; where, on the Nineteenth of *Auguſt*, he made the following moſt gracious Speech to the Parliament of that Kingdom.

His Majeſty's SPEECH to the Scottiſh *Parliament at* Edinburgh. Auguſt 19. 1641.

My Lords and Gentlemen;

THere hath nothing been ſo diſpleaſing to me, as thoſe unlucky Differences which have happen'd between me and my People; and nothing that I have more deſired, than to ſee this Day, wherein I hope not only to ſettle theſe unhappy Miſtakings, but rightly to know, and to be known to my Native Country.

I need not tell you (for I think it is well know to moſt) what Difficulties I have paſſed through, and overcome, to be here at this preſent: Yet this I will ſay, If Love to my Native Country, had not been a chief Motive to this Journey, other Reſpects might eaſily have found a ſhift to do that by a Commiſſion, which I am come to perform my ſelf. And this conſidered, I cannot doubt of ſuch real Teſtimonies of your Affections, for the Maintenance of that Royal Power which I enjoy, after an Hundred and eight Deſcents; and which you have profeſſed to maintain, and to which your own National Oath doth oblige you, that I ſhall not think any Pains ill beſtow'd.

Now the end of my coming is, ſhortly, this: To perfect whatſoever I have promiſed, and withal, to quiet the Diſtractions which have and may fall out amongſt you. And this I mind not ſuperficially, but fully and cheerfully to perform: For I aſſure you, That I can do nothing with more cheerfulneſs, than to give my People a general Satisfaction. Wherefore, not offering to endear my

ſelf

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ſelf unto you in Words (which indeed is not my Way), I deſire, in the firſt place, to ſettle that which concerns the Religion and Juſt Liberties of this my Native Country, before I proceed to any other Act.

Touching the Proceedings in this Parliament of *Scotland*, during his Majeſty's reſidence in that Kingdom, the Titles of the ſeveral Acts follow, as the Author of theſe Collections did (amongſt other things) cauſe them to be tranſcribed out of the Records, ſoon after the Battel at *Dunbar*; and the rather publiſhes them, for that the Records of that Kingdom are irrecoverably loſt; for being brought from thence to the *Tower*, and ſince his Majeſty's happy Reſtauration ordered to be ſent back, the Ship that carried them was caſt away in her paſſage to *Scotland*.

The Titles of the Acts paſſed, and other Proceedings in the Parliament of Scotland, *Nov.* 19. 1641.

Apud Edinburgum, 19 *Novemb.* 1641.

Act 1.

AN Act anent the continuation of the Parliament to the Fourteenth Day of *January*, 1641.

Apud Edinburgum, 14 *Januarii*, 1641.

Act 2.

Inſtruments upon production of the King's Letter.

Act 3.

Act anent the Continuation of the Parliament to the Thirteenth Day of *April*, 1641.

Apud Edinburgum, 13 *Aprilis*, 1641.

Inſtruments upon production of the King's Letter, and Proteſtation of the Eſtates.

Act anent the Continuation of the Parliament to the Twenty fifth Day of *May*, 1641.

Apud Edinburgum, 25 *Maii*, 1641.

Inſtruments upon production of the King's Letter, and Proteſtation of the Eſtates.

Act anent the Continuation of the Parliament to the Fifteenth Day of *July*, 1641.

Apud Edinburgum, 15 *Julii*, 1641.

Concerning the Government Civil.

16 *Julii*, 1641.

Committee for ordering the Houſe of Parliament.

19 *Julii*, 1641.

Ane Letter from the Eſtates of *Parliament*, to the Commiſſioners at *London*.

Articles agreed upon by the Eſtates, for ordering the Houſe of Parliament.

27 *Julii*, 1641.

Commiſſion and Warrant for concluding and ſubſcribing of the Treaty.

Penultimo Julii, 1641.

Commiſſion for Examination of Witneſſes at *London*, upon the Libel againſt the Incendiaries.

4 *Auguſti*, 1641.

Act and Proclamation for apprehending the Incendiaries.

10 *Auguſti*, 1641.

Ordinance of Parliament for meeting and receiving of the King's Majeſty.

Warrant to the Lord *Yeſter*, and others under-written, for ſigning of the Rolls and Compts in the *Caſtle*.

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13 *Auguſti*, 1641.

Warrant for ane Proclamation, diſcharging all Noble Men who are Citat to the Parliament, and have not Subſcrib'd the Covenant bands for Maintenance of the Acts, and tane the Oath to have Place or Voice in Parliament.

Ordinance for giving Information to his Majeſty, of all that is paſt heretofore in this Seſſion of Parliament.

Apud Edinburgum, 17 *Auguſti*, 1641.

The King's Majeſty preſent in Parliament.

18 *Auguſti*, 1641.

Act anent the Oath to be given to every Member of Parliament.

24 *Auguſti*, 1641.

Inſtruments tane by the Lord *Loudon*, upon the production of the Treaty, and others after ſpecify'd and mentioning the 220000 *l.* of Brotherly aſſiſtance from *England*.

26 *Auguſti*, 1641.

Act anent the Ratifications of the Articles of the Treaty of *Superſcrivit* by the King, and *Subſcrivit* by the Preſident of the Parliament.

The King's Commiſſion is recited.

And in like manner a Commiſſion hath been granted by the Committees of this Parliament of *Scotland*, bearing date the laſt of *October*, and the 4*th.* of *November* 1640, and in the words following.

Articles of the large Treaty concerning the Eſtabliſhing of the Peace betwixt the King's Majeſty, and his People of *Scotland*, and betwixt the two Kingdoms, agreed upon by the *Scottiſh* and *Engliſh* Commiſſioners, at the City of *Weſtminſter*, the Seventh day of *Auguſt* 1641, concerning an Act of Pacification and Oblivion.

The Propoſitions and Articles given in by the *Scottiſh* Commiſſioners, after the Lord *Loudon* his return from the Parliament of *Scotland*, In twelve Articles.

The *Engliſh* Lords Commiſſioners Anſwer. Twelve Anſwers.

And the King's Aſſents.

Ordinance of Parliament anent the disbanding of the *Engliſh* Army.

Inſtructions by the King's Majeſty and Eſtates of Parliament of *Scotland*, to the Lord *Maitland*, That both *Engliſh* and *Scottiſh* Armies disband at ane certain day.

2 *September*, 1641.

Act anent incovenanting Patrons.

14 *September*, 1641.

Act containing the form and words to be ſubjoyn'd to the Exemplification of the Treaty, under the Great Seal.

Carolus Dei Gratiâ Scotiæ, Angliæ, Franciæ, & Hiberniæ Rex, &c.

18 *September*, 1641.

Warrant for Printing of the Articles of the Treaty.

28 *October*, 1641.

Committee anent the Commotions in *Ireland*.

Order of Parliament for recalling of the Marquiſs of *Hamilton*, Earls of *Argyle* and *Lanerick*, to the Parliament.

6 *November*, 1641.

Order of the Creation of the Lord General, to be Earl of *Levin*.

Act in favour of Prince Elector *Palatine*, for ten thouſand Foot to be ſent into *Germany*. Commiſſion for receiving of the Brotherly aſſiſtance from the Parliament of *England*, *viz.* For the 220000 *l. Sterling*, conform to the Articles of the large Treaty, *&c.*

16 *November*, 1641.

Commiſſion for conſerving the Articles of Treaty.

Commiſſion anent the Articles referr'd to conſideration by the Treaty.

Commiſſion for reviſing the Regiſters and Records; The Lord Chancellor *Loudon*, the Earl of *Argyle*, Earl of *Lauderdale* and *Clerk* Regiſter, Commiſſioners,

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oners, to reviſe and look over all the whole Regiſters and Records of Parliament, and all other Records, and to make Inventories and Regiſters thereto; ſaving the right of the Regiſters place, with all profits incident there anent.

17 *November*, 1641.

Warrant to the ſecret Council for giving Inſtructions to the Commiſſioners, for the remainder of the Treaty.

Act appointing the next Parliament to Convene the firſt *Tueſday* of *June*, 1644.

Theſe before written Acts, Ordinances and Statutes of the foreſaid Parliament, are Collected, Reviſed, Recorded and Booked, by me Sir *Alexander Gibſon* Younger of *Duvie*, Clerk of our Sovereign Lord's Rolls, Regiſter and Council, Witneſſing hereunto my Sign and Subſcription Manual,

Alexander Gibſon Cleric. Reg.

September, 1. Debate about the Book of *Common-Prayer*.

The Houſe of Commons had great debate this day about the *Common-Prayer*, to have ſome alteration made therein; which being ſuddenly ſtarted, gave occaſion of a very *Hot* debate, and Mr. *Hide* and others ſpake much in oppoſition to the Motion, deſiring the Book of *Common-Prayer* might be continu'd as it is without Alteration, and be obſerv'd with *Reverence*.

Order for Members to attend.

The ſame day the Houſe took into conſideration the Thinneſs of their number, and Order'd that the Members about Town ſhould conſtantly attend the Houſe, leaſt the Houſe ſhould fail of the number of Fourty, (under which number, it is not reputed a Houſe) to make an adjournment; and therefore requir'd their Members ſo to attend, that there might be Sixty every day at the Adjournment of the Houſe; and the Houſe being this day divided about putting off the debate of the *Common-Prayer* Book to another time, there were then in the Houſe 115. Members; moſt of the Houſe being gone into the Countrey, by reaſon they intended within few days to make *a Receſs*, and about three a Clock in the Afternoon, the Houſe Adjourn'd till *Munday* next, *September* the *6th*.

The *French* Ambaſſador complains of an uproar about his houſe on *Sunday* laſt.

The *French* Ambaſſador made a complaint to the Houſe of Lords, againſt unruly perſons that made an uproar about his Houſe on *Sunday* laſt, which the Lords Order'd to be taken into preſent conſideration; and upon examination of the matter, thoſe rude Perſons were found very guilty in miſdemeaning themſelves before the Ambaſſador's Houſe, and thereupon were Ordered to be *Whipt*, and to ſtand in the *Pillory* before the Ambaſſador's door; but the Ambaſſador being well ſatisfy'd with the Juſtice of the Houſe of Lords, in pronouncing the Sentence againſt them, apply'd Himſelf to their Lordſhips to remit the Execution thereof, and to ſet the Offenders at liberty, which was accordingly done.

The Thankſgiving kept by the Commons at *Lincolns* Inn

The day of Thankſgiving for the happy Pacification made between both Kingdoms, the Houſe of Commons order'd to be kept by them at *Lincolns* Inn Chappel, becauſe the Biſhop of *Lincoln* had fram'd a ſet Form of Prayer to be perform'd and uſed in St. *Margaret's Weſtminſter*, where the Houſe of Commons were wont to meet; which the Houſe of Commons conceiv'd that Biſhop had not power to do.

The Commons Vote againſt Innovations, Images.

The Houſe of Commons again renew'd the debate againſt *Innovations* in the Church, and ſetting up of rails before the Communion Table, and for taking away Images, Croſſes and Crucifixes, *&c.* and paſſed ſeveral Votes concerning the ſame; and order'd thoſe Votes to be drawn into Form, enjoyning the due obſervation of the ſame. And the Lords at the ſame time declar'd themſelves to have the Book of *Common-Prayer* to be obſerv'd in all Churches, without any Omiſſion or Alteration; and that none ſhould offer any contempt at the uſe of it. This begot a Conference between both Houſes, in which the Commons deſir'd their Lordſhips to conſent unto the Declaration enſuing, and to joyn with them in the publication thereof.

The Lord's declare for the obſervation of the book of *Common-Prayer*.

An. 1641.

A Declaration of the Commons in Parliament, made Septemb. *the 9th.* 1641.

THE Knights, Citizens and Burgeſſes, of the Commons Houſe, having receiv'd many great complaints, from the ſeveral parts of this Kingdom, of heavy grievances upon divers of his Majeſty's Subjects, by the exceſſive preſſing of ſome matters concerning Religion, which are in their own nature indifferent, by pretext or colour of the Laws now in force; and by the unlawful inforcing other things without any colour of Law; and conſidering that a full Reformation cannot be made in this ſtreight of time, did for the comfort and eaſe of the people, frame an Order in manner following:

Die Mercurii 8 September, 1641.

WHereas divers Innovations, in or about the worſhip of God, have been lately practiſed in this Kingdom, by injoyning ſome things, and prohibiting others, without warrant of Law, to the great grievance and diſcontent of his Majeſty's Subjects. For the ſuppreſſion of ſuch Innovations, and for preſervation of the publick Peace, it is this day ordered by the Commons in Parliament aſſembled, That the Church-wardens of every Pariſh Church and Chappel reſpectively, do forthwith remove the Communion Table from the Eaſt end of the Church, Chappel, or Chancel, into ſome other convenient place, and that they take away the Rails, and level the Chancels as heretofore they were, before the late Innovations.

That all Crucifixes, ſcandalous Pictures, of any one or more Perſons of the *Trinity*, and all Images of the Virgin *Mary*, ſhall be taken away and aboliſht; and that all Tapers, Candleſticks and Baſons, be remov'd from the Communion Table.

That all Corporal bowing at the Name (*Jeſus*) or towards the Eaſt end of the Church, Chappel, or Chancel, or towards the Communion Table, be henceforth forborn.

That the Orders aforeſaid be obſerv'd in all the ſeveral Cathedral Churches of this Kingdom, and all the Collegiate Churches or Chappels in the two Univerſities, or any other part of the Kingdom; and in the *Temple* Church, and the Chappels of the other Inns of Court, by the Deans of the ſaid Cathedral Churches, by the Vice-Chancellor of the ſaid Univerſities, and by the Heads and Governours of the ſeveral Colleges and Halls aforeſaid; and by the Benchers and Readers in the ſaid Inns of Court reſpectively.

That the Lord's Day ſhall be duly obſerv'd and ſanctify'd: all dancing, or other Sports, either before or after Divine Service be forborn and reſtrain'd; and that the Preaching of God's Word be permitted in the afternoon, in the ſeveral Churches and Chappels of this Kingdom, and that Miniſters and Preachers be incourag'd thereunto.

That the Vice-Chancellors of the Univerſities, Heads and Governours of Colleges, all Parſons, Vicars, Church-wardens, do make Certificates of the performance of theſe Orders: and if the ſame ſhall not be obſerved in any of the places afore mention'd, upon complaint thereof made to the two next Juſtices of Peace, Mayor, or head Officers of Cities or Towns Corporate; It is Order'd, that the ſaid Juſtices, Mayor, or other head Officer reſpectively, ſhall examine the truth of all ſuch complaints, and certifie by whoſe default the ſame are committed; All which Certificates are to be deliver'd in Parliament before the Thirtieth of *October* next.

And did upon the Eighth of *September* in a Conference with the Lords, deſire their Lordſhips to conſent unto it, and to joyn with them in the publiſhing thereof, whereunto they never receiv'd anſwer; but contrary to their expectation upon this preſent Ninth of *September*, being the day intended for the Receſs of both Houſes, they receiv'd in a Conference from their Lordſhips, an Order dated *January* the 16*th.* 1640. In theſe words:

Die

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Die Sabbati 16 Januarij, 1640.

IT is this day Order'd by the Lords Spiritual and Temporal, in the High Court of Parliament aſſembl'd, That the Divine Service be performed as it is appointed by the Acts of Parliament of this Realm: And that all ſuch as ſhall diſturb that wholeſom Order, ſhall be ſeverely puniſhed according to the Law. And the Parſons, Vicars and Curates, in the ſeveral Pariſhes, ſhall forbear to introduce any Rites or Ceremonies that may give Offence, otherwiſe than thoſe which are eſtabliſhed by the Laws of the Land.

And one other of this preſent ninth of *September*: In theſe words:

Reſolv'd upon the Queſtion this ninth of September, 1641.

That the aboveſaid Order ſhall be Printed and Publiſhed.

Deſiring that the Commons would joyn with them in publiſhing thereof, which being preſented to the Houſe of Commons, it was thought unſeaſonable at this time to urge the ſevere execution of the ſaid Laws; whereupon it was Voted, that they do not conſent to thoſe Orders, or either of them.

And they have thought fit to make this Declaration, that it may be underſtood, that the laſt Order of the Lords was made with the conſent onely of eleven Lords, and that nine other Lords then preſent, did diſſent from it; ſo that it may well be hoped when both Houſes ſhall meet again, that the good propoſitions and preparations in the Houſe of Commons, for preventing the like grievances, and reforming the diſorders and abuſes in matters of Religion, may be brought to perfection; wherefore they expect that the Commons of this Realm, do in the mean time quietly attend the Reformation intended, without any tumultuous diſturbance of the worſhip of God, and Peace of the Kingdom.

Reſolv'd upon the Queſtion,

That this Declaration ſhall be forthwith Printed and Publiſhed.

The names of the Committee appointed to ſit during the Receſs, *Septemb.* 9.

Mr. *Pym*, Sir *Gilbert Gerard*, Sir *John Franklin*, Sir *John Culpepper*, Mr. *Wheeler*, Sir *Henry Mildmay*, Mr. *Bridgeman*, Sir *Thomas Bowyer*, Sir *Thomas Barrington*, Sir *Edward Hales*, Sir *William Litton*, Sir *Richard Cave*, Mr. *Robert Goodwin*, Sir *Samuel Luke*, Mr. *Wingate*, Sir *Robert Pye*, Alderman *Soames*, Alderman *Pennington*, Captain *Venn*, Mr. *Vaſſal*, Lord *Faulkland*, Captain *Rainsborough*, Mr. *Bence*, Sir *Peter Wentworth*, Mr. *Holland*, Mr. *Winwood*, Mr. *Scawen*, Mr. *John Goodwin*, Sir *Thomas Dacres*, Mr. *Morley*, Mr. *Martin*, Mr. *Arthur Goodwin*, Sir *John Clotworthy*, Mr. *White*, Mr. *Sollicitor*, Mr. *Spurſtow*, Mr. *Laurence Whitaker*, Mr. Serjeant *Wilde*, Mr. *Strode*, Sir *Henry Vane*, Mr. *Glyn*, Sir *Simon D'ewes*, Sir *William Drake*, Mr. *Beddingfield*, Sir *Gilbert Pickering*, Mr. *Blakeſton*, and Mr. *Waller*.

The power granted to the Committee appointed to meet during the Receſs.

This Committee is to meet on *Saturday* next in the *Exchequer*-Chamber, at Nine of the Clock in the Forenoon; and are to meet every *Tueſday* and *Saturday* in every Week, and at ſuch other times as they ſhall think fit, during the Receſs; and they, or any Six of them, have power to meet with the Committee of the Lords, appointed during this Receſs, at ſuch times as they ſhall appoint.

Reſolv'd upon the Queſtion, That the Committee appointed by this Houſe, during this Receſs, ſhall have power to receive and open ſuch Letters as ſhall come from the Committe's in *Scotland*, and to give Anſwer according to the former Inſtructions and Orders of this Houſe.

Reſolv'd, &c. That this Committee ſhall take care, that the Orders of this Houſe be punctually obſerv'd, concerning the Disbanding of the Army, Train of Artillery and Garriſons, and for the ſending down of Moneys to thoſe purpoſes accordingly.

Reſolved, &c. That this Committee ſhall have Power to re-call the Committee in *Scotland*, if they ſee cauſe. And it is further

Reſolved, upon the Queſtion, That this Committee ſhall have Power to go on with Preparations for Proceedings againſt the principal of ſuch Delinquents, as are already voted or complained againſt in the Houſe; and to report any Offers which they ſhall make to the Houſe.

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That upon Information of any Riots or Tumults, they ſhall have Power to ſend all Sheriffs, Juſtices of Peace, and other Officers, to ſtir them up to their Duty in repreſſing them; and to report to the Houſe any Failure of Obedience to that ſending:

To examine the Entries of the Clerks Books; and to that end that the Committee may not miſtake any paſt Action of the Houſe, a Clerk is to be left there with his Books:

To take care of the Preſervation of his Majeſty's Revenue, and ſo take into Conſideration any Accompts of his Majeſty's:

To go on in the proſecution of the Conſiderations of a Weſt-*India* Company:

To take into Conſideration the Fiſhing upon the Coaſts of *England*, *Scotland*, and *Ireland*:

To take into Conſideration the Abuſes of Exchanging and Tranſporting of Moneys, betwixt this and other Kingdoms:

To prepare the *Iriſh* Cauſes depending, to be either at the Acceſs tranſmitted to the Lords, or recommended to the *Iriſh* Parliament:

To conſider about Salt-petre and Gun-powder:

To ſend for any Perſons, Writings or Records:

To prepare a Diſcharge for the Earl of *Warwick*, according to thoſe Acquittances he hath given concerning the Northern Counties.

Ordered, That 30000 *l.* out of the firſt Moneys that ſhall come to the Treaſury and Commiſſioners in *London*, for the Poll-money, ſhall be iſſued forth by this Committee, appointed to ſit during the Receſs, for the payment of the Gariſons of *Berwick* and *Carliſle*, to the Pay-maſters of thoſe Gariſons; and that the Committee ſhall enquire into the ſtate of the Moneys due to thoſe Gariſons, and take care for the further payment of ſuch Moneys, as ſhall appear to be due unto them, over and above the 30000 *l.*

Septemb. 9: The Houſe adjourns until *Octob.* 20.

The Houſe doth adjourn it ſelf 'till *October* 20. at Eight of the Clock in the Morning.

The Committee of Lords during the Receſs.

The Houſe of Lords alſo appointed a Committee, *viz.* The Lord Keeper, Lord Privy Seal, Lord Chamberlain, Earl of *Warwick*, Earl of *Clare*, Earl of *Denbigh*, and Earl of *Cleveland*, to ſit during the Receſs, and join with the Committee of the Houſe of Commons, to receive and open Letters from the Committee of both Houſes in *Scotland* (which are to be directed to the Lord Keeper), and to return Anſwers: To re-call the ſaid Committees when they ſhall think fit: To aſſiſt about disbanding the Army, and removing the Magazine at *Berwick* and *Carliſle*, and ſending down Money to the Army, if need be; and to report to the Houſe at next meeting.

Report of Proceedings during the Receſs, made *Octob.* 20.

Mr. *Pym* reports, and gives an account what the Committee, appointed to ſit during the Receſs, had done, in purſuance of the Orders of the Houſe given to that Committee.

The firſt day of the Parliament's acceſs.

The firſt thing (ſaith Mr. *Pym*) we had in debate, was in reference to the Declaration of the Houſe concerning Innovations: The Committee hath ſent divers of them into the Country; and have found, That in ſome Places where there were good Miniſters, they were entertained, and in ſome other Places neglected; but, for the moſt part, it is by thoſe who have been queſtioned here for other Matters.

Of the Declaration againſt Innovations.

The Committee took into Conſideration the Intentions of the Houſe, concerning the publiſhing of the Declaration; and therefore they gave Directions requiring the publiſhing thereof in Churches, and that the Church-Wardens might ſee the execution thereof. Some Particulars of this, will come in ſpecial report hereafter.

The next thing the Committee did take into Conſideration, was, the Correſpondence with the Committee in *Scotland*, in receiving Letters from them, and ſending Anſwers unto them. I ſhall not need to produce their ſeveral Letters now; it will take up too much time: But the chief point was, touching the disbanding the Army, and two Gariſons of *Berwick* and *Carliſle*. As for *Carliſle*, it is totally disbanded, and the Souldiers ſent into *Ireland*, to be placed there, as they were before in the King's Army.

Of disbanding the Army.

As for the Gariſon of *Berwick*, that required longer time of Conſideration at the Committee: For beſides the demoliſhing of the Works, which was much preſſed by the *Scots*, and ſeconded by his Majeſty out of *Scotland*, there was a want

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want of Money; yet the Committee got ſufficient to disband all, and ſent it down: And becauſe the *Scots* Commiſſioners deſired to know a certain Day of our disbanding, and then they would, upon knowledge of that, disband *their* Forces, thereupon the Committee ſet down *October* the Fifteenth, to be the laſt Day of Disbanding. And the Letters yeſterday received from Sir *Michael Earnly* (Governour of *Berwick*) ſhew, That he hath Money enough to disband all; and that the Horſe are disbanded, and five Companies of Foot: And that on *Friday* laſt, the other Company of Foot remaining, had been disbanded, but that a Letter came from Sir *Henry Vane*, in his Majeſty's Name, requiring to ſtay the disbanding of the reſt 'till further Order, of which you ſhall hear more particularly, when I come to that part of my Report.

As for the Arms and Ammunition at *Carliſle*, the Committee gave order for the ſafe laying of them up, to be well kept, 'till the next Spring, that it be more ſeaſonable to ſend for them away, they being now five or ſix Miles from the Sea-ſide.

As for the Ammunition at *Berwick*, the Committee hath ſent ſix Ships to tranſport the ſame to the *Tower*, and agreed with them for a certain Summ, for the doing thereof within ſuch a time; and if they ſtay'd longer, to have ſo much *per diem* for demurrage.

Tumults.

The next thing we took into Conſideration at the Committee was, concerning Tumults; and though we cannot ſay there were any great Tumults, yet there were Seeds ſown, which might have occaſion'd ſome in the execution of the Order of the Houſe touching Innovations; but I ſhall make a particular Report of thoſe Pariſhes where they were like to come to Blows, if the Committee had not ſought the prevention of it; which was the Ground why the Committee entertain'd their Petitions.

Troopers.

There was another like Trouble and ſign of Tumults, by the frequent reſort of Troopers to Town, and to the Committee, who delivered thirty ſeveral Petitions to the Committee in their own Names, and the Names of other diſcontented Perſons in the Army. We could not refuſe to accept their Petitions, leſt they ſhould grow to Tumults; and of their Complaints, and the nature of them, I ſhall give you a particular Report. But the Committee did vote nothing concerning them; yet it were very fit to reſolve ſomething concerning them, that they may depart the Town. Under the Name of Souldiers, there are many Robberies committed; which occaſion'd the Committee to give order, That all that deſired to have paſſes to go beyond-Sea, might have the ſame: But that would not ſerve their turns, unleſs they might have liberty to have Pay here, to go in Companies, under Conduct, to the Service of other Foreign Princes; which the Committee could not give way unto, in regard of the Ordinance of both Houſes to the contrary.

King's Revenue.

There is another Head the Committee had in Charge, concerning the King's Revenue: All we could do in that, which I did by Direction of the Committee, was, to take care for a Balance touching the ſame; and accordingly I ſpake with the King's Officers about it; and a Balance will be ready, when you pleaſe to call for it.

The next was concerning the Exchange beyond-Seas: I think, as to that, there will be good Returns made for the Benefit of the Commonwealth.

Petitions from *Ireland*.

Another thing was, concerning the *Iriſh* Petitions: That the Gentleman who uſed to be in the Chair for *Iriſh* Affairs, Mr. *Whiſtler* by Name, was out of Town, and had moſt of their Petitions with him; Only one Mr. *Cope*, and Mr. *Lomack*, who had long attended, had their Caſe made known to the Committee; the one deſiring to have two Witneſſes examined, upon a Petition here depending, who are ready to go to Sea; and the other, Mr. *Cope*, of *Engliſh* Parents, and of a great Family, is a Petitioner for recovery of an Eſtate of great value, which he conceives hath been long and wrongfully kept from him.

Delinquents.

The next thing in Charge was, concerning Delinquents: In that we made but a ſmall Progreſs; for we had a Deſire to have perfected the Charge againſt the Lord Archbiſhop of *Canterbury*; but in regard thoſe of the Long Robe of the Committee, were for the moſt part abſent, we could not proceed therein.

Sir *John Berkley*. Maj. *O Neal*.

Next there came to me, at my Lodging in *Chelſea*, Sir *John Berkley*, and Serjeant-Major O *Neal*, who had raſhly withdrawn themſelves; but upon better Conſideration, underſtanding they were accuſed, they returned, to ſubmit to the

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the Pleaſure of the Houſe. I thought it my Duty to make ſome Privy-Counſellor acquainted therewith; whereupon I went to my Lord *Wilmot* with them, who undertook they ſhould attend the Committee the next ſitting; which they did accordingly: And in purſuance of the Order and Warrant of the Houſe for their Apprehenſion, they were attached by the Serjeant at Arms.

Conſpiracy in *Scotland.*

As for the Letters laſt received from *Scotland* to the Committee, they ſpeak of ſomething intended to be done there, upon the Perſons of divers Lords of *Scotland*; and in regard ſome of the Perſons, ſuſpected to have a hand in that Deſign, are ſuſpected to be Papiſts, the Committee did conceive they might have Correſpondence with the like Party here; and therefore commanded me yeſterday to write to the Lord Mayor of *London*, to place convenient Guards in ſeveral places in the City, 'till he received farther Directions from the Parliament; and likewiſe to the Juſtices of the Peace in *Middleſex* and *Weſtminſter*, and *Southwark*, to obſerve ſuch farther Directions as they ſhould receive from the Earl of *Eſſex*, who, in his Majeſty's abſence, is appointed General on this ſide *Trent*.

I forgot to report one thing, That upon *Tueſday* laſt was Se'ennight, the Committee here agreed and ſo ordered, That the Committee in *Scotland* ſhould, unleſs they ſaw cauſe to the contrary, return home; and leſt our Letters might miſcarry, commanded me to ſend an Expreſs-Meſſenger to them; and I did ſo; and wrote alſo by the weekly Poſt of our Order, as alſo the laſt Order for their coming home. Upon this Report, it was

Votes of the Commons upon this Report.

Reſolved, upon the Queſtion, That a Conference be deſired preſently with the Lords, concerning the ſecuring of the Kingdom and Parliament.

Reſolved, That Sir *John Berkley* be ſent a Priſoner to the *Tower*, and *Daniel O Neal* to the *Gate houſe*.

Mr. *Pym* doth farther report the Heads for a Conference to be deſired with the Lords, concerning the Safety of the Kingdom:

Conference with the Lords about ſome Affairs in *Scotland.*

Firſt, That a Letter from the Committee in *Scotland*, dated *Octob.* 14. be read at the Conference; and that this Houſe hath taken into conſideration, That when there was a Deſign, ſomewhat of the ſame nature, in this Kingdom, to ſeduce the King's Army, and interrupt the Parliament here, that there was the like Deſign at that time in *Scotland*.

Next to mention, That the principal Party, named in that Deſign in *Scotland*, the Lord *Crawford*, is a Perſon ſuſpected to be Popiſhly affected; and therefore may have *Correſpondence* with the like Party here.

Next, that it hath been lately publiſh'd here, That ſome Things were to be done in *Scotland*, before it brake out there. Therefore we may ſuſpect ſome *Correſpondence* here; and ſo upon theſe Grounds, propound, That a ſtrong Guard be kept in the Cities of *London* and *Weſtminſter*. And, ſecondly, That care be taken for the future, for the Defence of the whole Kingdom. But this in general.

Next, to let them know, That the Gariſon of *Carliſle* is totally disbanded; and of the Gariſon of *Berwick*, there remain only five *Companies of Foot*, and that all the *Horſe* are disbanded: And to acquaint the Lords with his Majeſty's Directions, ſent by Secretary *Vane*, for the ſtay of thoſe five *Foot-Companies* of Soldiers; but that the Money deſigned for that Service, to disband thoſe Men, was proportioned only until the 15th of *October*; and that therefore the *Commonwealth* ſhould be at no further *Charge* concerning the ſame, either for the Men or Shipping that are to ſtay there, until Order be taken, and Money ſent down for their disbanding, according to the Treaty.

Ordered, by the Houſe of Commons, That another Head of this Conference ſhall be to move, That an Expreſs-Meſſenger be ſent to the Committee of both Houſes in *Scotland*, to let them know, That the Parliament takes well their Advertiſement; and that they conceive the Peace of that Kingdom, concerns the Good of this: And that if there be any Tumults to oppoſe the Act confirmed by both Kingdoms, that his Majeſty will command any Aſſiſtance to ſuppreſs them: That both Houſes will be ready to maintain his Majeſty in his Greatneſs, and to ſuppreſs thoſe who are Diſturbers of the Peace.

The Heads thus prepared for a Conference, were afterwards communicated to the Lords, who were very ſenſible of the matters to them reported; and ſpeedily taking the ſame into conſideration, agreed in all the Propoſals made by the Houſe of Commons.

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The Contents of the Letter to be ſent to the Committee in Scotland, *Octob.* 22. *was to this effect:*

THe Advertiſement which you have given in your Letters of the Fourteenth of this Month, concerning the Deſign againſt the Perſons of the Lord Marquiſs of *Hamilton*, and the Earls of *Argyle* and *Lanerick*, have been communicated to the Houſes, who do very much commend your Wiſdom, in ſending them timely notice of an Accident of ſuch great Conſequence to the Peace, both of *this* and *that* Kingdom; and do give you Thanks for your Care therein: And I am to let you know, That we have received no other publick Intelligence thereof; wherefore the Deſires of both Houſes are, That as long as you ſtay there, you continue to inform the Houſes of Parliament, of the further Proceedings in this matter, and ſuch other Accidents as may any way concern the Safety of both Kingdoms: And thereupon they have thought good to make a further Addition to your former Inſtructions, touching ſome things which they conceive fit to be preſented to his Majeſty, from the Lords and Commons of his Parliament here, as you may perceive by the incloſed, which I am commanded to ſend to you, and commend to your Care and Wiſdom, not doubting but that you will herein fully anſwer their Expectations and Confidence: And for the performance hereof, their Pleaſure is, That you ſhould continue there, to wait upon his Majeſty, 'till you receive further Directions, or that his Majeſty be pleaſed to come away for *England*.

New Inſtructions from the Lords and Commons in Parliament, to the Committee of both Houſes, now attending his Royal Majeſty in Scotland; *on occaſion of a Deſign ſaid to be there diſcovered againſt Marquiſs* Hamilton, *&c.* Octob. 22.

1. YOu ſhall acquaint his Majeſty, That by your Advertiſement, both Houſes have taken notice of the Examinations and Confeſſions taken in the Parliament of *Scotland*, concerning a tumultuous Deſign, affirmed to be undertaken by the Earl of *Crawford*, and others, againſt the Perſons of the Marquiſs of *Hamilton*, the Earls of *Argyle* and *Lanerick*, and having taken the ſame into conſideration, they have here cauſe to doubt, That ſuch ill-affected Perſons, as would diſturb the Peace of that Kingdom, are not without ſome malicious Correſpondents here; which (if theſe wicked Purpoſes had taken effect in *Scotland*) would have been ready to attempt ſome ſuch miſchievous Practices, as might produce Diſtempers and Confuſions in this Kingdom, to the Hazard of the publick Peace; for prevention whereof, they have given order for ſtrong Guards in the Cities of *London* and *Weſtminſter*; and have reſolved to take into their Care, the Security of the reſt of the Kingdom.

2. You ſhall further declare to his moſt excellent Majeſty, That the States of his Parliament here, do hold it a great matter of Importance to the Kingdom, that the Religion, Liberty, and Peace of *Scotland* be preſerved, according to a Treaty and Articles agreed unto by his Majeſty, and confirmed by Act of Parliament; of which they are bound to be careful, not only by publick Faith in that Treaty, but likewiſe by the Duty which they owe to his Majeſty and this Kingdom; becauſe they hold it will be a great means of preſerving Religion, Liberty, and Peace in *England*, *Ireland*, and his Majeſty's other Dominions; and that Union of all his Loyal Subjects, maintaining the Common Good of all, will be a ſure Foundation of Honour, Greatneſs, and Security to his Royal Perſon, Crown, and Dignity: Wherefore they have reſolved to employ their humble and faithful Advice to his Majeſty, the Power and Intereſt of the Parliament, and of this Kingdom, for ſuppreſſing of all ſuch, as by any Conſpiracies, Practices, or other Attempts, ſhall endeavour to diſturb the Peace of *Scotland*, and to infringe the Articles and the Treaty made betwixt the two Kingdoms.

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Thirdly, You ſhall likewiſe inform the King, That whereas Orders have been given by his Majeſty with conſent of Parliament, for Disbanding of the Gariſons of *Carliſle* and *Berwick*; the firſt is already wholly Disbanded, and all the Horſe, and Eight Companies of Foot ſent out of *Berwick*, and now Five Companies remaining, which likewiſe ſhould have been diſcharg'd, at, or before the 15*th.* of this Month, if they had not been ſtaid by his Majeſty's command, ſignify'd by Mr. *Secretary Vane* to Sir *Michael Earnley*, Lieutenant Governour, according to direction in that behalf.

And whereas by Order of Parliament, Six Ships have been ſent for Tranſporting his Majeſty's Munition, and other Proviſions in that Town, and in the Holy Iſland, all which have been of very great charge to the Common-wealth; wherefore the Commons now aſſembled in Parliament have declar'd, that they intend to be at no further charge for the longer ſtay and Entermainment of thoſe Men, or for the Demurrage of the ſaid Ships, if by occaſion of this direction they be kept out longer than was agreed upon.

Order'd, That this Houſe do meet every Morning by Eight of the Clock, and ſit till two, and that they ſhall take into conſideration the general buſineſs of the whole Kingdom onely; and that all private buſineſs ſhall be laid aſide till *November* next, wherein the Lords concurr'd.

Weſtminſter Train'd Bands

This day the Train'd Bands of *Weſtminſter* attended all day in Arms in the Palace Yard at *Weſtminſter*, till both Houſes roſe; at which time they receiv'd directions from the Earl of *Eſſex* (Lord General in the King's abſence) to divide their Company into two parts, to the end, 100. might attend for the day, and to be reliev'd at Night by the like number.

This day was ſpent in debate about the Bill, to diſable Perſons in Holy Orders, to excerciſe Temporal Juriſdiction, *&c.*

There being a Complaint made by ſome Pariſhioners of *Cripplegate*, for not obeying the late Order of the Houſe of Commons of the *9th.* of *September*, a debate hereupon aroſe, and Sir *Edward Deering* made this

SPEECH.

Sir *Edward Deering's* Speech 21. *October*, 1641. about the Order of the 8. of *September* for removing the Rails from Communion Tables, and forbidding bowing at the Name of *Jeſus*, *&c.*

Mr. Speaker,

IT is very true (as is inſtanced unto you) that your late Order and Declaration of the 8*th.* and 9*th.* of *September*, are much debated and diſputed abroad; perhaps it may be a good occaſion for us to Re-diſpute them here.

The intent of your Order to me ſeems doubtful, and therefore I am bold, for my own Inſtruction, to propound two *Quæries*.

1. How far an Order of this Houſe is binding?
2. Whether this particular Order be continuant, or expir'd?

Your Orders (I am out of doubt) are powerful, if they be grounded upon the Laws of the Land; Upon that Warranty we may by an Order, enforce any thing that is undoubtedly ſo grounded; and by the ſame rule we may Abrogate whatſoever is Introduc'd contrary to the undoubted foundation of our Laws. But, Sir, This Order is of another nature, another temper, eſpecially in one part of it; of which (in particular) at ſome other time.

Sir, There want not ſome *abroad*, Men of Birth, Quality and Fortune; ſuch as know the *ſtrength of our Votes* here, as well as ſome of Us, (I ſpeak my own Infirmities) men of the beſt Worth, and of good Affiance in Us, and no way obnoxious to Us: they know they ſent Us hither as their Truſtees, to make and unmake Laws: they know they did not ſend Us hither to Rule and Govern them by Arbitrary, Revocable and Diſputable Orders, eſpecially in Religion. No time is fit for that, and this time as unfit as any; I deſire to be Inſtructed herein.

Mr, Speaker, In the ſecond place, there is a Queſtion whether this Order (whereupon the preſent complaint is grounded) be permanent and binding, or elſe expir'd, and by our ſelves deſerted? I obſerve, That the Order being made the 8*th.* of *September* in hope then of Concurrence therein by the Lords, that failing, you did iſſue forth your laſt Reſolution by way of Declaration, wherein thus you expreſs your ſelf; *That it may well be hoped, when both Houſes ſhall meet again*,

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again, that the good Propoſitions and Preparations in the Houſe of Commons, for preventing the like grievances, and reforming the diſorders and abuſes in matters of Religion, may be brought to perfection; wherefore you do expect, that the Commons of this Realm do in the mean time (What, obey and perform your Order made the day before? no ſuch thing; but in the mean time) *quietly attend the Reformation intended.*

Theſe are your words, and this my doubt upon them, Whether by theſe words you have not ſuperſeded your own Order? ſure I am, the words do bear this ſenſe, and good men may think and hope it was your meaning.

My humble motion therefore is this, I beſeech you to declare, That upon this our Reconvention, your Order of the 8*th.* of *September* is out of date: and that the Commons of *England* muſt (as you ſay) *quietly attend the Reformation intended*; which certainly is intended to be perfected up into Acts of Parliament. And in the mean time, that they muſt patiently endure the preſent Laws, until you can make New, or mend the Old.

The next day the Houſe debating the Bill for diſabling Perſons in Holy Orders, to exerciſe Temporal Juriſdiction; It being urg'd by a Member, that to the words *ought not*, ſhould be added, *and that is inconſiſtent with their Function.* The ſame day Sir *Edward Deering* reply'd in this

SPEECH.

Mr. Speaker.

Sir *Edward Deering's* Speech 22. *October* about Biſhops.

HOwever, I am reſolv'd in my private Opinion of the Inexpediency and unlawfulneſs of Clergy-men's holding Secular Juriſdiction (*Duo gladij non ſunt in unum conflandi & conferruminandi*:) Yet, Sir, my inward Reſolution doth not preſently make me a Judge in a Dogmatical point; nor do I know that this place doth inable me with that Capacity. If it be my private Opinion, yet I deſire not to bind the Judgment of the Land herein by an Act of Parliament, although determining to my own ſence.

Certainly, Sir, This point of Inconſiſtency will lead this Houſe (much more that of the Lords where the Biſhops are) into a debate, which may more ſafely and prudently be avoided. I have formerly, and again I pray you, That we may not engage our ſelves into the Determination of Doctrinal points in Divinity, perhaps it is not proper for us, and for my part I do think we are not herein *idonei & competentes Judices.*

Was it ever heard or ſeen, that a ſet of *Lay-men*, Gentlemen, Souldiers, Lawyers, Merchants, all Profeſſions admitted, but the Profeſſion of Profeſſions for this work, *Divines* alone excluded? That we ſhould determine upon Doctrinal points in Divinity? Theology is not ſo low, ſo facile a Trade. Let us maintain the Doctrines that are Eſtabliſht; to declare *New*, is not fit for our Aſſembly. And for my part I do think, I have found daily cauſe to wiſh theſe Reſolutions recommended unto other Reſolvers.

Mr. Speaker, Divines are herein (in Dogmatick Reſolutions of Religion) concern'd as much, as well, as we. They are a conſiderable party, and ought not to be bound up unheard. It was a prevailing Argument with me againſt the late Canons, that they could not bind us of the Laity being a diſtinct ſeveral body, no way involv'd in their Votes. Our plea was, that we neither had a *Deciſive* Voice to determine with them, nor a *Deliberative* Voice to Conſult with them, nor an *Elective* Voice in choice of their Perſons to make them our Truſtees to determine for us; nor laſtly, (as at leaſt we ſhould have) a *Suſceptive* Voice in a body of our own to receive their Reſolutions, and of our ſelves to ſubmit unto them. Theſe things are of a nature fit to be diſcuſs'd by grave Divines, in a free Synod of Divines to be choſen by Divines. In the mean time, let not us be guilty of the ſame which we have condemned in them; we ought not to pay injury with wrong. They cannot be bound where they are no way parties: For it is a rule in Nature, Reaſon and Religion, *Quod omnes tangit, ab omnibus tractari debet:* I am ſo good a Friend to your Bill, That for the better expediting thereof, I deſire the word *Inconſiſtent* may not ſtand therein.

An. 1641.

The day following, the ſame Gentleman made this third Speech.

Mr. Speaker,

Sir *Edward Deering's* Speech 23. *October* for a *Synod.*

YOu have entred an Order, that nothing be treated of but Affairs of general Concernment. I will preſent you one, as General, as Univerſal, as may be.

The ſad miſeries of our diſtracted Church, and conſequently the hazard of God's true Religion with us, doth even cut my very Heart with Grief and Fear. If we let forth the Government into a looſe Liberty for all Religions, we ſhall have none. Libertiniſm will beget Atheiſm. And truly (Sir) at preſent between *Papiſm* on the one hand, and *Browniſm* on the other, narrow is the way, and few there be that do find it, to right good *Proteſtantiſm.*

Mr. *Reading.* Mr. *Abbot.*

Many mournful and ſad complaints, I have of late receiv'd from Miniſters, the Ableſt and every way the Worthieſt that I know. I could willingly name you two, one at *Dover*, the other at *Cranbrook* in *Kent*; Men upon whoſe merit let my Credit ſtand or fall in this Houſe. He that hath preached leaſt of theſe, hath Preached ſeveral Thouſands of excellent Sermons to his People.

Theſe are in no better Condition than many other deſerving Men, who do generally complain with grief of Heart, to ſee their now infected Sheep, after long Paſtoral Vigilancy and Faithful Miniſtery, to run and ſtraggle from them more in theſe laſt Ten Months, than in Twenty Years before.

Give us (I beſeech you, give us) a Remedy, a ſpeedy Remedy to this growing evil; or elſe our Scholars are like to turn *Papiſts*, *Arminians*, or *Socinians*, and all the Ignorant party will either turn Atheiſts, or elſe (which is the next degree) make to themſelves a Religion of their own, as themſelves beſt pleaſe.

Sir, We may (for ought I ſee) ſit here and debate our ſelves, and the World abroad, into more and more diſtances of Opinion; we are not likely to work our ſelves (much leſs others) into Unity.

What is then to be thought on? Sir, the uſual, ancient, the beſt, and (I think) the onely way of cure is by a Council, a Free, Learn'd, Grave, Religious Synod.

Sir *R. H.*

There is in ſome hand of this Houſe (and long hath been) a Bill for a *National Synod* ready drawn; with it we are curable, without it I look for no Peace.

My humble motion is this, in a word, if you love the Peace of our *Jeruſalem*, Command forth that Bill to be forthwith Read, or if that Bill be not to be had, appoint a Committee to draw up another. This is my motion, and it is founded in a hope of Piety and Peace.

Remonſtrance.

This day alſo the Remonſtrance of the State of the Kingdom was Order'd to be preſented to the Houſe on *Friday* next.

The Lords the ſame day paſſed this enſuing Order, *viz.*

Order'd, By the Lords in Parliament, upon the humble requeſt of the Lord Biſhop of *Rocheſter* on his own behalf, and on the behalf of the reſt of the Biſhops, Impeached by the Commons before their Lordſhips, concerning the late Canons, that Mr. *Serjeant Jerman*, Mr. *Heron*, Mr. *Shute*, and Mr. *Hale*, (being publickly nam'd in the Houſe, by the ſaid Lord Biſhop) ſhall be of Council with his Lordſhip; and the other Lords the Biſhops in their ſaid cauſe, with this Proviſo, nevertheleſs, That if any of the ſaid Council ſhall upon juſt cauſe deſire to be excuſed, and this Houſe approve of the ſaid excuſe, that then He or They ſhall not be compelled to be of the ſaid Biſhops Council, as is aforeſaid.

Mr. *Pym*

16 *Car.*

Mr. *Pym* ſpake to this effect following.

My Lords,

THe Parliament the Fountain of Juſtice, ought to be preſerv'd pure from Corruption, and be preſerved free from partiality, which will add, not onely Luſtre, Reputation, and Honour, but Authority to what is done in Parliament; all mens Eſtates and Liberties are preſerv'd under the ſafe Cuſtody of Parliament; this moveth us to be careful of any thing that may prejudice the Parliament, in point of Freedom and Integrity.

Mr. *Pym's* Speech at a Conference with the Lords touching the 13. Biſhops accuſed for making the *Canons*, and for Sequeſtring their Votes in Parliament.

Therefore the Knights, Citizens, and Burgeſſes of the Houſe of Commons, have commanded me with my Collegue, to repreſent unto your Lordſhips two Propoſitions, which they hold of very great Importance, and neceſſity to be put in execution at this time.

Firſt, That thoſe Thirteen Biſhops which ſtand accuſed before your Lordſhips, for making the late Book of *Canons*, and putting them in execution, may be excluded from their Votes in Parliament.

Secondly, That all the Biſhops may be excluded from having any Vote in that Act, come from the Houſe of Commons to your Lordſhips, Entituled, *An Act to take away the Biſhops Votes in Parliament, &c.*

That which concerneth the Thirteen Biſhops, falleth to my charge to open, as I am commanded to tell your Lordſhips, that it ſtandeth not with Honour and with Juſtice, that theſe Biſhops ſhould have Votes, ſtanding thus charg'd with the breach of truſt, and of the higheſt truſt, againſt the Prerogative of the King, againſt the Privilege of Parliament, againſt the Property of the Subject, and againſt the Peace of the Kingdom; theſe are the Jewels that are depos'd under the Truſt and Safe-guard of Parliament, and all theſe have been broken; and this appeareth by the making of the new *Canons* Voted by your Lordſhips, to be againſt all theſe Truſts.

That theſe Perſons have been parties to the breach of this Truſt, that will appear by the Journals of the Convocation, which is now in the Countrey, and may be ſent for; the entry of the Book is, That all the Thirteen Biſhops were parties, and did Confirm and Subſcribe theſe *Canons*; therefore it is hoped by theſe *Canons*, that thoſe that have aſſum'd to themſelves a Legiſlative Power, whereby they have as much as in them lies, rooted out the foundation of Parliament, that they ſhould have no Intereſt in the Legiſlative Power at all in Parliament.

Next, That thoſe that have depriv'd the Subjects of thoſe good Laws that are already made for them, that they ſhould have no Intereſt or part, of making future Laws for the Subject; this they conceive ſtandeth with a great deal of Equity and Juſtice, which is one reaſon to deſire they ſhould be excluded from their Votes in Parliament.

Next is, The hainouſneſs of their Offence. It is very fit they ſhould be Innocent Men, and Faithful Men, that ſhould have the exerciſe of ſo great a thing as it is; much leſs then ſhould they be Delinquents of ſo high a nature, Actors in the Subverting of the Laws of the Realm, that they ſhould continue their Votes and Places in Parliament: And that their Delinquency may the better appear, you are deſir'd to read the Votes paſſed in the houſe of Commons (*nullo Contradicente*) and with which the Lords have concurr'd and agreed.

Then the Votes touching the making of the ſaid *Canons* herein before recited, were read by Mr. *Goodwin*.

And then Mr. Sollicitor St. *Johns* proceeded to this effect.

That he was in the next place to preſent ſome Reaſons and Precedents concerning the Biſhops not having their Votes touching the Bill Entituled, *An Act to take away the Biſhops Votes in Parliament, &c.*

Mr. Sollicitor St. *John's* Speech about Biſhops Votes.

1. Becauſe they have no ſuch Inherent Right and Liberty of being there, as the Lords Temporal, and Peers of the Realm have; for they are not there

An. 1641. *Repreſentative* of any body elſe: No, not of the Clergy; for if ſo, then the Clergy were twice Repreſented by them, *viz.* In the Lords Houſe, and in the Convocation; For their Writt of Election is to ſend two Clerks, *Ad Conſentiendum*, *&c.* Beſides, none are there Repreſentative of others, but thoſe that have their Suffrages from others; and therefore only the Clerks in the Convocation do Repreſent them.

2. They have not the Inherent Right of Peerage as the Lords have, becauſe in ſome things they cannot do that there, which the Lords may do in caſe of Treaſon and matter of Blood. Upon Tryal of any Peer they have no liberty of Vote, which could not be taken away by any *Canon*, if their Right of Voting there were Inherent.

3. If they were Repreſentatives of the Clergy, as a *Third Eſtate* and Degree, no Act of Parliament could be good, if they did wholly diſaſſent; and yet they have diſaſſented and the Law good and in force, as in the Act for Eſtabliſhing the Book of *Common-Prayer in Queen Elizabeth's time*; they did diſaſſent from the Confirming of that Law which could not have been good, if they had been a Third Eſtate and diſaſſented.

4. The King may hold his Parliament without calling the Biſhops at all to it, as hath been Adjudged by all the Judges of *England*, 7. *Henry* 8. occaſion'd by the Convocation's citing one Doctor *Standiſh* for ſpeaking of words againſt their Power and Priviledge as they conceiv'd: In that caſe all the Judges of *England* in the preſence of the King, declar'd, That the King might hold his Parliament without *calling them at all*.

So 25. *Edward* 1. In reſpect the Prelacy would not agree with the reſt of the Kingdom, in granting a reaſonable and neceſſary aid and ſupply, they were excluded in the Parliament at *Carliſle*: and before that Parliament, an Act paſſed againſt ſeveral Oppreſſions of the Abbots, Priors, and Biſhops upon the Inferior Clergy of the Kingdom, by Purveyance and ſetting of high prizes, *&c.* to be Collected; and Six or Seven Acts more all to this purpoſe, concerning the Carriage of the Prelates to the Inferior Clergy; ſo that when themſelves were concern'd, they were excluded their Votes.

In all theſe Records of the matters concerning the Clergy, the entry is, That the King, *habito tractatu*, *&c.* with the Earls, the Barons, and other the Nobles, *&c.* hath agreed to this Act, *Or by the Aſſent of the Earls, Barons, and other Lay-People:* which ſhews that the Biſhops did not conſent, for if they had, they ſhould have been firſt nam'd before the Earls and Barons: For the order of naming the Degrees of Nobility in all ancient Records, is, Prelates, Earls, and Barons.

Thus 3*d*. *Richard* 2. There being proviſion, The Pope ſhould not make Preſentation, *&c.* it is ſaid, that the Petition of the Commons was aſſented to by the King, and the Lords Temporal, and was always eſteem'd a firm Act of Parliament, notwithſtanding the Biſhops oppoſed the ſame.

Wedneſday October 27. Protections. Mr. *Reynolds* made a long Report againſt Protections granted by Parliament Men, and alſo of the priviledge that People require, by virtue of their places of attendance upon the King and Queen; whereupon ſeveral Reſolutions did paſs, which are not very material; onely he concluded his ſaid Report, by offering unto this Houſe the reaſons from the Common Council of *London*; how that money will hardly ever be got from the City, if theſe Protections and Priviledges be not taken away.

October 28. The Houſe of Commons this day took ſeriouſly into conſideration publick affairs, and the fear of diſtractions; and made an Order, that no private buſineſs ſhall be taken into conſideration till *Michaelmas* Term next, nor private Committee to ſit without ſpecial Order; and that all Witneſſes now in Town, about matters depending in Parliament, ſhall depart the Town till they receive further Summons.

Mr. *King*

16 Car. Saturday, October 30.

Mr. *King*, a Member of the Houſe, made a further report of the Soap-buſineſs, and it was

Reſolv'd upon the Queſtion, That all thoſe who made the Decree in the Star-Chamber, are Delinquents.

Reſolv'd, &c. That the Proclamation dated the 26*th.* of *January* 163$\frac{3}{4}$. made in purſuance of the Decree in Star-Chamber of the 23*d.* of *Auguſt* 1633. for Regulating the Trade of Soapers; and two other Proclamations, the one dated the 13*th.* of *July* 1634. the other the 25*th.* of *January* 163$\frac{4}{5}$. concerning Soapers, are illegal, and tend to the Subverſion of the Laws of this Realm, and are againſt the Liberty of the Subject.

Proclamation tending to the Subverſion of the Law.

Reſolv'd, &c. That the reſtraining of the Subjects Perſons, the Examination of them upon Oaths againſt themſelves, the Impoſing of Fines upon them, and the ſharing of thoſe Fines by colour of the Order of the Council-Table, dated the 18*th.* of *October* 1636. and a pretended Commiſſion directed to Sir *John Hales* Knight, and *John How* Eſquire, are illegal, and a grievance to the Subject, and they, for the doing thereof, are Delinquents.

Examining a Man againſt himſelf, is illegal.

Reſolved, That the Matters agreed upon by the Indenture of Covenants, dated the 12th of *April*, 1636. made between the King and Sir *Henry Compton*, and the reſt of the Soapers at *Weſtminſter*, were Illegal, a great Grievance to the Subject, and of dangerous Conſequence in the execution thereof.

The Indenture of Covenants a great Grievance.

Reſolved, That thoſe ſeveral Parties who were Covenantees with the King, by the ſaid Indenture of Covenants, are Delinquents, and ought to make amends to the Commonwealth, and to all ſuch, as after thoſe Covenants were entred into, were reſtrained from the uſe of their Trades of making Soap, or ſuſtained any loſs in their Fats, Pans, or otherwiſe, by occaſion of the Corporation of *Weſtminſter*.

The Covenantee with the King in the Soap-Buſineſs, Delinquents.

Reſolved, That the Obligations entred into, by the Soapers of *London*, to his Majeſty, upon their Deliverance out of Priſon, on the Star-Chamber Sentence, conditionally, That they would not make any more Soap, without a Licenſe from the Corporation of *Weſtminſter*, were Illegal, and contrary to the Liberty of the Subject.

Bonds given by the Soap-Boilers, to get out of Priſon, illegal.

Reſolved, &c. That Sir *John Hales*, *Francis Plowden*, *Fitzwilliams Conisby*, *Edmund Windham*, *John Gifford*, *George Vaughan*, Sir *Edw. Stradling*, &c. ſhall be ſent for as Delinquents, being concerned in the Soap-Buſineſs.

Parties concerned in the Soap-Buſineſs, ſent for as Delinquents.

Reſolved, That a Conference be deſired with the Lords, to deſire them to enjoyn the Marquiſs of *Hartford* to take the Prince into his Charge, and to give his perſonal Attendance on the Prince, 'till the Houſes give further Orders; and that he ſuffer no Servants to be about the Prince, but ſuch as he will be anſwerable for, and that this be imparted to the Lords at the Conference.

Marquiſs of *Hartford* to take care of the Prince.

Hitherto I have proceeded by way of *Diary*, and follow'd the Series of Time, in repreſenting Matters of Fact as they happen'd; but henceforwards ſeveral important Affairs intervening, will oblige us a little to deviate from that Method, and rank Occurrences of one kind together, for ſome good ſpace of Time, in their particular *Claſs*; ſince otherwiſe the progreſs of Proceedings therein, would not be ſo readily underſtood by the Readers, as when thus caſt into diſtinct Chapters; yet withal, as to leſſer and ſhorter Paſſages, we ſhall ſtill deliver them in their due precedency of Time, as before.

And ſince we are now arrived at the Diſcovery of the Plot and Rebellion of the Papiſts in *Ireland*, we ſhall begin with that.

CHAP.

An. 1641.

CHAP. I.

Containing the manner of the firſt Diſcovery of the Iriſh Rebellion. *The Means uſed by the Lords Juſtices there. His Majeſty and the Parliament in* England *to ſuppreſs the ſame. The Cruelties of the* Rebels, *and their Pretenſions, and other Obſervable Matters relating thereunto, in the Months of* October, November, *and* December, 1641.

Nov. 1. 1641. Members of the Houſe of Peers have admittance into the Houſe of Commons, to give them notice of the Rebellion in *Ireland.*

UPon the Firſt of *November*, Mr. *Pym* acquainted the Houſe of Commons, That there was a Noble Lord at the Door, one of the King's Privy-Council; who ſaith, That certain Lords of the Privy-Council, Members of the Houſe of Peers, have Buſineſs of great importance to impart to this Houſe; and deſire to do it in Perſon, it being privately intimated to the Houſe, that it was to impart Intelligence, newly come, of the breaking out of a Rebellion in *Ireland.*

Chairs order'd for the Lords to ſit upon.

The Houſe thereupon ordered Chairs to be ſet for thoſe Lords: And as they entered into the Houſe, they came uncovered, the Serjeant carrying the Mace before them. Likewiſe the Members of the Houſe of Commons, at their coming, were uncovered, 'till their Lordſhips were ſet on their Chairs; which being done, both the Houſe and the Lords ſat covered.

The Lords that came were theſe: The Lord Keeper of the Great Seal of *England*, the Lord Privy-Seal, the Lord High Chamberlain, the Lord Admiral, Earl-Marſhal, Lord Chamberlain, Earl of *Bath*, Earl of *Dorſet*, Earl of *Leiceſter*, Earl of *Holland*, Earl of *Briſtol*, Earl of *Berkſhire*, Lord Viſcount *Say* and *Seal*, Lord *Goring*, Lord *Wilmot*; being all Lords of his Majeſty's moſt Honourable Privy-Council.

The Lord Keeper firſt ſpake.

The Lord Keeper firſt ſtood up, and ſaid, That the occaſion of their coming thither was, To impart what Intelligence they had received out of *Ireland*, of a great Conſpiracy in that Kingdom, to enter into an Attempt of Hoſtility, and to raiſe Rebellion, which was diſcovered but the Night before it was deſigned to be put in execution: Therefore, becauſe it is a matter of great Importance, and requires a ſpeedy Reſolution to ſuppreſs them in the beginning, the Houſe of Peers have thought fit to communicate this matter to this Houſe.

The Earl of *Leiceſter*, Lord Lieutenant, ſpake next.

Then the Earl of *Leiceſter* (ſome time before made Lord-Lieutenant of *Ireland*) ſtood up, and ſpake, uncovered, much to the purpoſe of what the Lord-Keeper had ſaid; and communicated Letters and Papers ſent by the Lords Juſtices: Adding further, That they had Information of ſhedding much Blood of the Proteſtants there; and ſome of the Rebels confeſs, That all the Proteſtants were to be cut off, and not to ſave any *Britiſh* Men, Women, or Children alive, but to root them out of the Nation. That the time for putting this bloody Deſign in execution, was, upon *Saturday* the 23*d.* of *October*, a Day dedicated to *Ignatius*, the Founder of the *Society of the Jeſuites*. Their Deſign was to ſeize upon the King's Forts, Caſtles, and Magazines, throughout the Kingdom; to kill the Lords Juſtices, and all the King's Privy-Council, and to ſeize upon the Caſtle of *Dublin*, having in *Ulſter* ſeized already ſeveral Forts and Magazines.

The time of putting the Plot in execution on *Ignatius*'s Day.

The Lord Lieutenant further added, That there muſt be a ſpeedy courſe taken (for a little thing will draw away Diſeaſes at firſt) that there be timely ſupply from *England*, with Men and Money, which will enable us to do great things to ſave *Ireland*; for the Safety of *England* depends upon it. And in the firſt place delivered *Owen O Conally* his Examination; which was read by the Clerk in the Houſe of Commons, and was as followeth.

The

16 Car.

The Examination of Owen O Conally, *Gent. the firſt Diſcoverer of the* Popiſh Plot *in* Ireland, *taken before us whoſe Names enſue*, October 22. 1641.

WHo being duly ſworn, and examined, ſaith, That he being at *Monimore*, in the County of *London-Derry*, on *Tueſday* laſt, he received a Letter from Colonel *Hugh Oge Mac-Mahon*, deſiring him to come to *Connaught*, in the County of *Monaghan*, and to be with him on *Wedneſday* or *Thurſday* laſt: Whereupon he, this Examinate, came to *Connaught* on *Wedneſday*-night laſt; and finding the ſaid *Hugh* come to *Dublin*, followed him thither. He came hither about ſix of the Clock this Evening, and forthwith went to the Lodging of the ſaid *Hugh*, to the Houſe near the *Boat* in *Oxman*-Town; and there he found the ſaid *Hugh*, and came with the ſaid *Hugh* into the Town near the Pillory, to the Lodging of the Lord *Mac-Guire*, where they found not the Lord within; and there they drunk a Cup of Beer, and then went back again to the ſaid *Hugh* his Lodging. He ſaith, That at the Lord *Mac-Guire* his Lodging, the ſaid *Hugh* told him, That there were, and would be this Night, great numbers of Noblemen and Gentlemen, of the *Iriſh Papiſts*, from all parts of the Kingdom, in this Town, who, with himſelf, had determined to take the Caſtle of *Dublin*, and poſſeſs themſelves of all his Majeſty's Ammunition there, to morrow-morning, being *Saturday*; and that they intended firſt to batter the Chimneys of the ſaid Town: And if the City would not yield, then to batter down the Houſes, and ſo to cut off all the Proteſtants that would not join with them. He further ſaith, That the ſaid *Hugh* then told him, That the *Iriſh* had prepared Men in all parts of the Kingdom, to deſtroy *all the Engliſh* inhabiting there, to morrow-morning by Ten of the Clock: And that in all the Sea-Ports and other Towns in the Kingdom, all the Proteſtants ſhould be kill'd this Night; and that all the Poſts that could be, could not prevent it. And further ſaith, That he moved the ſaid *Hugh* to forbear executing of that Buſineſs, and to diſcover it to the State, for the ſaving of his own Eſtate, who ſaid he could not help it; but ſaid, They did owe their Allegiance to the King, and would pay him all his Rights; but that they did this for the Tyrannical Government was over them; and to imitate *Scotland*, who got a Privilege by that courſe. And he further ſaith, When he was with the ſaid *Hugh* in his Lodging the ſecond time, the ſaid *Hugh* ſwore, That he ſhould not go out of his Lodging that Night; but told him, he ſhould go with him the next morning to the Caſtle; and ſaid, If this matter were diſcovered, ſomebody ſhould die for it: Whereupon this Examinate feigned ſome neceſſity for his eaſement, went down out of the Chamber, and left his Sword in pawn; and the ſaid *Hugh* ſent his Man down with him: And when this Examinate came down into the Yard, and finding an Opportunity, he, this Examinate, leaped over a Wall and two Pales, and ſo came to the Lord Juſtice *Parſons*.

Will. Parſons. *Owen O Conally.*
Tho. Rotheram.
Rob. Meridith.

The Lords Juſtices Letter to the Lord-Lieutenant, Octob. 25. 1641. *ſent by* Owen O Conally *the firſt Diſcoverer.*

May it pleaſe your Lordſhip;

ON *Friday* the 22*d.* of this Month, after Nine a Clock at Night, this Bearer, *Owen O Conally*, Servant to Sir *John Clotworthy* Kt. came to me the Lord Juſtice *Parſons*, to my Houſe, and in great ſecreſie (as indeed the Cauſe did require) diſcovered unto me a moſt wicked and damnable Conſpiracy, plotted, contrived, and intended to be alſo acted by ſome evil-affected *Iriſh* Papiſts here. The Plot was the then next Morning, *Saturday* the 23*d.* of *October*, being St. *Ignatius*'s

*An.*1641. *tius*'s Day, about Nine of the Clock, to ſurprize his Majeſty's Caſtle of *Dublin*, his Majeſty's chief Strength of this Kingdom; wherein alſo is the principal Magazine of his Majeſty's Arms and Munition. And it was agreed, it ſeems, amongſt them, That at the ſame Hour, all other his Majeſty's Forts and Magazines of Arms and Munition in this Kingdom, ſhould be ſurprized by others of thoſe Conſpirators: And further, That all the Proteſtants and *Engliſh* throughout the whole Kingdom, that would not join with them, ſhould be cut off; and ſo theſe Papiſts ſhould then become poſſeſſed of the Government and Kingdom at the ſame inſtant.

As ſoon as I had that Intelligence, I then immediately repaired to the Lord Juſtice *Borlace*; and thereupon we inſtantly aſſembled the Council; and having ſate all that Night, as alſo all the next Day, the 23*d.* of *October*, in regard of the ſhort time left us for the Conſultation of ſo great and weighty a matter; although it was not poſſible for us, upon ſo few Hours warning, to prevent thoſe other great Miſchiefs which were to be acted, even at that ſame Hour, and at ſo great a diſtance as in all the other parts of the Kingdom: Yet ſuch was our Induſtry therein, having cauſed the Caſtle to be that Night ſtrengthned with armed Men, and the City guarded, as the wicked Councils of thoſe evil Perſons, by the great Mercy of God, became defeated, ſo as they were not able to act that part of their Treachery, which indeed was principal; and which, if they could have effected, would have rendred the reſt of their Purpoſes the more eaſie. Having ſo ſecured the Caſtle, we forthwith laid about for the apprehenſion of as many of the Offenders as we could, many of them having come to this City but that Night, intending, it ſeems, the next Morning to act their Parts in thoſe treacherous and bloody Crimes.

The firſt Man apprehended was one *Hugh Mac-Mahon* Eſq; (Grandſon to the Traitor *Tyrone*) a Gentleman of a good Fortune in the County of *Monaghan*, who, with others, was taken that Morning in *Dublin*, having at the time of their apprehenſion offered a little reſiſtance with their Swords drawn; but finding thoſe we employ'd againſt them more in number, and better armed, yielded. He upon Examination before us, at firſt denied All; but in the end, when he ſaw we laid it home to him, he confeſſed enough to deſtroy himſelf, and impeach ſome others, as by a Copy of his Examination herewith ſent, may appear to your Lordſhip. We then committed him, 'till we might have further time to examine him again, our time being become more needful to be employ'd in action for Securing, than in Examining. This *Mac-Mahon* had been abroad, and ſerved the King of *Spain* as a Lieutenant-Colonel.

Upon Conference with him and others, and calling to mind a Letter we received this Week before from Sir *William Cole*, a Copy whereof we ſend your Lordſhip here incloſed, we gathered, That the Lord *Mac-Guire* was to be an Actor in ſurprizing the Caſtle of *Dublin*: Wherefore we held it neceſſary to ſecure him immediately, thereby to ſtartle and deterr the reſt, when they found him laid faſt. His Lordſhip obſerving what we had done, and the City in Arms fled from his Lodging early before day, it ſeems, diſguiſed: For we had laid a Watch about his Lodging, ſo as we think he could not paſs without diſguiſing himſelf; yet he could not get forth of the City, ſo ſecurely guarded were all the Gates.

There we found at his Lodging hidden, ſome Hatchets, and many Skeans, and ſome Hammers.

In the end, the Sheriffs of the City, whom we employ'd in ſtrict ſearch of his Lordſhip, found him hidden in a Cock-loft, in an obſcure Houſe far from his Lodging, where they apprehended him, and brought him before us.

He denied all, yet ſo as he could not deny but he heard of it in the Country, though he would not tell us when, or from whom; and confeſſed he had not advertiſed us thereof, as in Duty he ought to have done. But we were ſo well ſatisfied of his Guiltineſs, by all Circumſtances, as we doubted not, upon further Examination, when we could be able to ſpare time for it, to find it apparent. Wherefore we held it of abſolute neceſſity to commit him cloſe Priſoner, as we had formerly done *Mac-Mahon*, and others, where we left him on the 23*d.* of this Month in the Morning, about the ſame Hour they intended to have been Maſters of that Place, and this City.

This

17 *Caroli.*

'This Morning alſo we laid wait for all thoſe ſtrangers, that came the Night 'before to Town, and ſo many were apprehended, whom we find reaſon to 'believe to have hands in this Conſpiracy, as we were forced to diſperſe them into 'ſeveral Goals; and we ſince found that there came many Hoſemen into the 'Suburbs that Night, who finding the Plot diſcovered, diſperſed themſelves im-'mediately.

When the hour approached, which was deſigned for ſurprizing the Caſtle, great nbers of Strangers were obſerved to come to Town in great parties, ſeveral ys, who not finding admittance at the Gates, ſtayed in the Suburbs, and there w numerous, to the terror of the Inhabitants. We therefore to help that, 'drew up inſtantly, and ſigned a *Proclamation*, Commanding all Men, not Dwel-'lers in the City or Suburbs, to depart within an hour, upon pain of death, and 'made it alike penal to thoſe that ſhould harbour them; which Proclamation the 'Sheriffs immediately proclaimed in all the Suburbs by our Commandment; 'which being accompanied with the example and terror of the Committal of 'thoſe Eminent Men, and others, occaſioned the departure of thoſe multitudes: 'And in this caſe all our Lives and Fortunes, and above all, his Majeſties Power 'and Regal Authority being ſtill at the ſtake, we muſt vary from ordinary pro-'ceedings, not only in executing *Martial Law*, as we ſee Cauſe, but alſo in put-'ting ſome to the *Rack*, to find out the bottom of this Treaſon, and all the Con-'trivers thereof, which we foreſee will not otherwiſe be done.

'On the 23d of this Month, we conceiving that as ſoon as it ſhould be known 'that the Plot for ſeizing *Dubling* Caſtle was diſappointed, all the Conſpirators 'in the remote parts might be ſomewhat diſheartned, as on the other ſide the 'good Subjects would be comforted, and would then with the more confidence 'ſtand on their Gard, did prepare to ſend abroad to all parts of the Kingdom 'this *Proclamation*, which we ſend you here incloſed, and ſo having provided 'that the City and Caſtle ſhould be ſo garded, as upon the ſudden we could pro 'vide, we concluded that long continued Conſultation.

'On *Saturday* at 12 of the Clock at night the Lord *Blaney* came to Town, and 'brought us the ill news of the Rebels ſeizing, with two hundred men, his Houſe 'at *Caſtle Blaney*, in the County of *Monaghan*, and his Wife, Children and Ser-'vants, as alſo a Houſe of the Earl of *Eſſex*, called *Carrickmacroſs*, with two hun-'dred men, and a Houſe of Sir *Henry Spotſwood* in the ſame County, with two hun-'dred men, where there being a little Plantation of *Britiſh*, they plundered the Town, 'and burnt divers Houſes, and it ſince appears that they burnt divers other Vil-'lages, and robbed and ſpoyled many *Engliſh*, and none but *Proteſtants*, leaving 'the *Engliſh Papiſts* untoucht as well as the *Iriſh*.

'On *Sunday* Morning at three of the Clock, we had intelligence from Sir *Ar-'thur Terringham*, that the *Iriſh* in the Town had that day alſo broken up the King's 'Stores of *Arms* and Munition at the *Newry*, and where the ſtore of Arms hath lain 'ever ſince the peace, and where they found *fourſcore* and *ten Barrels of Powder*, 'and armed themſelves, and put them under the Command of Sir *Con. Magennis* 'Knight, and one *Creely* a Monk, and plundered the *Engliſh* there, and diſarmed 'the Garriſon; and this, tho too much, is all that we yet hear is done by them.

'However, we ſhall ſtand on our gard, the beſt we may, to defend the Caſtle 'and City principally, thoſe being the places of moſt importance; but if the 'Conſpiracy be ſo univerſal, as *Mac Mahon* ſaith in his examination it is, namely, 'that all the Counties in the Kingdom have conſpired in it, which we admire 'ſhould ſo fall out in this time of univerſal peace, and carryed with that *ſecrecy*, 'that none of the *Engliſh* could have any friend amongſt them to diſcloſe it, then 'indeed we ſhall be in high extremity, and the Kingdom in the greateſt danger 'that ever it underwent, conſidering our want of Men, Mony and Arms to en-'able us to encounter ſo great multitudes as they can make, if all ſhould joyn 'againſt us, the rather, becauſe we have Pregnant Cauſe to doubt that the Com-'bination hath taken force by the incitement of Jeſuits, Prieſts and Fryers,

'All the hope we have here is, that the old *Engliſh* of the *Pale*, and ſome other 'parts will continue conſtant to the King in their fidelity, as they did in their 'former Rebellions.

'And now in theſe ſtraights we muſt, under God, depend on aid forth of 'England for our preſent ſupply with all ſpeed, eſpecially *mony*, we having none, 'and *Arms* which we ſhall exceedingly want, without which, we are very doubt-'ful what account we ſhall give to the King of this his Kingdom.'

17 *Caroli.*

'But if the Conſpiracy be only of *Mac Guire*, and ſome other of the Kindred 'and Friends of the Rebel *Tyrone*, and other *Iriſh* in the Counties of *Down*, *Mo-* 'naghan, *Cavan*, *Fermanagh* and *Armagh*, and no *General Revolt* following there- 'upon, we hope then to make head againſt them in a reaſonable meaſure, if we 'be enabled with mony from thence, without which we can raiſe no forces; ſo 'great is our want of mony, as we have formerly written, and our *debts* ſo 'great to the Army; nor is mony to be borrowed here; if it were, we would 'engage all our Eſtates for it; neither have we any hope to get in his Maje- 'ſties Rents and *Subſidies* in theſe diſturbances, which adds extreamly to our ne- 'ceſſities.

'On *Sunday* Morning the 24th we met again in Council, and ſent to all parts 'of the Kingdom the encloſed Proclamation, and iſſued Patents to draw hither 'ſeven Horſe Troops as a farther ſtrength to this place, and to be with us in caſe 'the Rebels ſhall make head and march hitherward, ſo as we may be neceſſita- 'ted to give them Battle; we alſo then ſent away our Letters to the Preſident 'of both the Provinces of *Munſter* and *Connaght*, we likewiſe then ſent Letters to 'the Sheriffs of the five Counties of the *Pale*, to conſult of the beſt way and 'means of their own preſervation. That day the Lord Vicount *Gormanſton*, 'the Lord Vicount *Nettervile*, the Lord Vi. *Fitz Williams*, and the Lord of '*Houth*, and ſince the Earls of *Kildare* and *Fingall*, and the Lords of *Dunſany* and '*Slane*, all Noblemen of the *Engliſh Pale*, came unto us, declaring that they then, 'and not before heard of the matter, and profeſſed *loyalty* to his Majeſty, and 'concurrence with the State, but ſaid they wanted *Armes*, wherewith they deſired 'to be ſupplied by us, which we told them we would willingly do, as relying 'much on their faithfulneſs to the Crown; but we were not yet certain whether 'or no, we had enough to Arm our Strength for the gard of the City and Caſtle; 'yet we ſupplied ſuch of them as lay in moſt danger, with a ſmall proportion of 'Arms and Munition for their Houſes, leſt they ſhould conceive we apprehended 'any *jealouſie* of them; and we commanded them to be very diligent in ſending 'out Watches, and making all the diſcoveries they could, and thereof to adver- 'tiſe us, which they readily promiſed to do; and if it ſo fall out that the *Iriſh* ge- 'nerally riſe, which we have cauſe to ſuſpect, then we muſt of neceſſity put Arms 'into the hands of the *Engliſh Pale* in Preſent, and to others as faſt as we can, to 'fight for defence of the State and themſelves.

The Popiſh Lords of the *Pale* pretend Loyalty, and would get Arms from *Dublin*.

'Your Lordſhip now ſees the Condition wherein we ſtand, and how neceſſary it 'is firſt that we enjoy your preſence ſpeedily, for the better guiding of theſe and other 'the publick affairs of the King and Kingdom; And ſecondly, that the Parliament 'there be moved immediately to advance to us a *good ſum of mony*, which being '*now* ſpeedily ſent hither, may *prevent* the expence of very much *Treaſure* and '*Blood* in a long continued War. And if your Lordſhip ſhall happen to ſtay on 'that ſide any longer time; we muſt then deſire your Lordſhip to appoint *a Lieu-* 'tenant-General to diſcharge the great and weighty burthen of Commanding the 'Forces here.

'Amidſt theſe Confuſions and Diſcords fallen upon us, we bethought us of the '*Parliament*, which was formerly adjourned to *November* next, and the *Term* 'alſo now at hand, which will draw ſuch a concourſe of People hither, and 'give opportunity, under that pretence, of aſſembling and taking new Councils, 'ſeeing the former ſeems to be, in ſome part, diſappointed, and of contriving fur- 'ther danger to this State and People: We have therefore found it of unavoida- 'ble neceſſity, to *prorogue* it accordingly, and to direct the *Term* to be adjourned 'till the firſt return of *Hillary Term*, excepting only the Court of Exchequer for 'haſtning in the Kings mony, if it be poſſible: We deſire, upon this occaſion, your 'Lordſhip will be pleaſed to view our Letters concerning the Plantation of *Co-* 'naght, dated the 24th of *April* laſt, directed to Mr. Secretary *Vane* in that there- 'of, which concerns the County of *Monaghan*, where now theſe *Fires* do firſt 'break out.

The *Engliſh* Army in *Ireland* but 5000 men, and diſperſed in remote Garriſons

'In the laſt place we muſt make known to your Lordſhip, that the Army we 'have, conſiſting but of 2000. *Foot* 1000. *Horſe*, are ſo diſperſed in Garriſons in 'ſeveral parts, as continually they have been ſince they were ſo reduced, as if 'they be all ſent for to be drawn together, not only the places whence they are 'to be drawn (and for whoſe ſafety they lie there) muſt be by their abſence di- 'ſtreſſed, but alſo the Companies themſelves, coming in ſo ſmall numbers, may 'be in danger to be cut off in their march; nor indeed have we any *mony* to

pay

17 *Caroli.*

'pay the Soldiers to enable them to march. And ſo we take leave, and remain, from his Majeſties Caſtle of *Dublin*, the 25th of *October*. 1641.

Your Lordſhips to be Commanded,

William Parſons.

John Borlace.

POSTCRIPT.

'THE ſaid *Owen Conally*, who revealed the Conſpiracy, is worthy of very 'great Conſideration, to recompence that Faith and Loyalty, which he 'hath ſo extreamly, to his own danger, expreſſed in this buſineſs; whereby, un-'der God, there is yet hope left us of deliverance of this State and Kingdom 'from the wicked purpoſes of theſe Conſpirators; and therefore we beſeech your 'Lordſhip that it be taken into Conſideration there, ſo as he may have a *mark* of 'his Majeſties moſt Royal *Bounty*, which may largely extend to him, and his *Po-'ſterity*, we not being now able here to do it for him.

To the Right Honourable, our very good Lord *Robert* Earl of *Leiceſter*, Lord Lieutenant General, and General-Governour of the Kingdom of *Ireland*.

William Parſons.

His Lordſhip alſo produced a Proclamation, publiſhed by the Lords Juſtices, dated at *Dublin*, *October* 23. 1641. As followeth.

By the Lords Juſtices and Council,

William Parſons. *John Borlace.*

Lords Juſtices Proclamation to give notice of the Rebellion, *October* 23. 1641.

THeſe are to make known and publiſh to all his Majeſties good Subjects in this Kingdom of Ireland, that there is a diſcovery made to us the Lords Juſtices and Council, of a moſt diſloyal and deteſtable Conſpiracy intended by ſome evil affected Iriſh Papiſts, againſt the Lives of us the Lords Juſtices and Council, and many others of his Majeſties faithful Subjects univerſally throughout this Kingdom, and for the ſeizing, not only of his Majeſties Caſtle of Dublin, his Majeſties principal Fort here, but alſo of the other Fortifications in the Kingdom. And ſeing by the great goodneſs and abundant mercy of Almighty God to his Majeſty, and this State and Kingdom, thoſe wicked Conſpiracies are brought to Light, and ſome of the Conſpirators committed to the Caſtle of Dublin by us, by his Majeſties Authority, ſo as thoſe wicked and damnable Plots are now diſappointed in the Chief Parts thereof; We have therefore thought fit hereby, not only to make it publickly known for the Comfort of his Majeſties good and loyal Subjects in all parts of the Kingdom, but alſo hereby to require them, that they do with all Confidence and Cheerfulneſs betake themſelves to their own defence, and ſtand upon their guard, ſo to render the more ſafety to themſelves, and all the Kingdom beſides, and that they advertiſe us with all poſſible ſpeed of all Occurrents, which may concern the peace and ſafety of the Kingdom, and now to ſhew fully that faith and loyalty, which they have always ſhewn for the publick ſervices of the Crown and Kingdom, which we will value to his Majeſty accordingly, and a ſpecial memory thereof will be retained for their advantage in due time. And we require that great care be taken, that no levies of men be made for Foreign Service, nor any men ſuffered to march upon any ſuch pretence. Given at his Majeſties Caſtle of *Dublin*, *October* 23. 1641.

R. Dillon, Ro. Digby, Loftus, J. Temple, Tho. Rotheram, Fr. Willoughby, Jam. Ware, Rob. Meredith.

An. 1641.

Here by the way it may be noted, that upon the iſſuing of this Proclamation, the Popiſh Lords and Gentlemen of the *Pale*, (that is to ſay, Inhabitants of the old *Engliſh* Plantations there, not of *Iriſh* Extraction, but of the ſame Religion with them, notwithſtanding which, they had in ſeveral other Inſurrections joyned with the *Engliſh* Intereſt, and now profeſſed ſo to do, as is before mentioned in the Lords Juſtices Letter) came again to the ſaid Juſtices with a Petition about this Proclamation, becauſe therein the Conſpiracy is ſaid to be intended by *ſome evil affected Iriſh Papiſts*, which words they feared might be miſinterpreted, and ſuch a conſtruction put upon them, as might reflect upon the Petitioners, as therein comprehended; wherefore the Juſtices, not willing to diſoblige them, or give them any colour for thoſe Rebellious Courſes, which afterwards they took, did for their ſatisfaction ſet forth this following Proclamation, Explanatory of the former.

By the Lords Juſtices and Council.

William Parſons *John Borlaſe.*

A Proclamation touching the Lords and Gentlemen of the *Engliſh Pale*, *October* 29. 1641.

WHereas a Petition hath been preſented unto Us by divers Lords and Gentlemen of the Engliſh Pale, in behalf of themſelves and the reſt of the Pale, and other the old Engliſh of this Kingdom, ſhewing, that whereas a late Conſpiracy of Treaſon is diſcovered of ill-affected Perſons of the old Iriſh, and that thereupon a Proclamation was publiſhed by us, wherein, amongſt other things, it is delared that the ſaid Conſpiracy was perpetrated by Iriſh Papiſts, without diſtinction of any; and they doubting that by thoſe general words of Iriſh Papiſts they might ſeem to be involved, though they declare themſelves confident, that we did not intend to conclude them therein, in regard they are none of the old Iriſh, nor of their Faction or Confederacy; but are altogether averſe and oppoſite to all their Deſigns, and all others of like Condition; we do therefore, to give them full ſatisfaction, hereby declare and publiſh to all his Majeſties good Subjects in this Kingdom, that by the words Iriſh Papiſts, we intended only ſuch of the old meer Iriſh in the Province of Ulſter, as have plotted, contrived, and been Actors in this Treaſon, and others who adhere to them; and that we did not any way intend, or mean thereby any of the old Engliſh of the Pale, nor of any other parts of this Kingdom: We being well aſſured of their Fidelities to the Crown, and having experience of the good Affections and Services of their Anceſtors in former times of Danger and Rebellion: And we further require all his Majeſties loving Subjects, whether Proteſtants or Papiſts, to forbear upbraiding matter of Religion one againſt another, and that upon pain of his Majeſties Indignation. Given at his Majeſties Caſtle of *Dublin*, *October* 29. 1641.

R. Ranelagh, R. Dillon, Ant. Midenſis, Ad. Loftus, G. Shurley, Gerr. Lowther, J. Temple, Fr. Willoughby, Ja. Ware.

The Houſe turned into a Committe of the whole Houſe.

Theſe matters of Fact being by the Lord Lieutenant, and other Lords of his Majeſties Council, thus declared to the Houſe of Commons, their Lordſhips withdrew, and the Commons being unwilling to loſe time to help the diſtreſſed Kingdom of *Ireland*, reſolved themſelves into a Committee of the *whole Houſe*, that the debate of this great matter might be had with all freedom to provide for the ſafety of both Kingdoms; whereupon Mr. Speaker left the Chair, and Mr. *Whitlock*, a Member of the Houſe, and a perſon of great parts and ability, was called to the Chair, and after Votes paſt of the Committee, Mr. Speaker reaſſumed the Chair; and upon Mr. *Whitlocks* Report, the Houſe paſſed theſe Reſolves following to be the Heads of a Conference to be deſired with the Lords, *viz.*

Reſolves in the Houſe of Commons concerning *Ireland*, *Nov.* 1. 1641.

Reſolved, That 50000 *l.* ſhall be forthwith provided for the ſervice of *Ireland*;

That a Conference be had with the Lords to move them, that a *Select Committee* of the Members of both Houſes may be appointed to go to the City of *London*, and make a Declaration unto them of the ſtate of the buſineſs in *Ireland*,

and

17 *Caroli*

and to acquaint them that the Lending of Monys at this time will be an acceptable ſervice to the Common-wealth, and that they propoſe unto them, the loan of 50000 *l.* and aſſure them, that they ſhall be ſecured, both for the *Principal* and *Intereſt* by Act of Parliament.

Reſolved, That another Head of this Conference ſhall be to deſire the Lords, that a ſelect Committee of both Houſes may be named to conſider of the Affairs of *Ireland*, and of the raiſing and ſending of Men and Ammunition from hence into that Kingdom.

500 *l.* to be preſently paid to *O Conally* the Diſcoverer, and 200 *l. per Annum* penſion. Iſle of *Wight* to be ſecured. Papiſts of Quality in *England* to be ſecured.

Reſolved, That *Owen Conally*, who diſcovered this great Treaſon in *Ireland*, ſhall have 500 *l.* preſently paid him, and 200 *l. per Annum* Penſion, until proviſion be made for an Inheritance of greater value.

Reſolved, That another Head of the Conference ſhall be, that the Cuſtody of the Iſle of *Wight*, for the preſent, be ſequeſtered into another hand.

Reſolved, That the Perſons of Papiſts of Quality in the ſeveral Counties of this Kingdom, where-ever they reſide, may be ſecured.

Reſolved, That at the Conference the Lords be deſired to joyn concerning the diſſolution of the Houſe of *Capuchins*, and the ſpeedy ſending them away, according to the former deſires of this Houſe, and that the Ambaſſadors may be ſent to from both Houſes to deliver up ſuch Prieſts of the Kings Subjects as are in their Houſes.

Reſolved, That another Head ſhall be, That a Liſt be brought in of the Queens Prieſts and other her Servants.

A Proclamation on that papiſt ſtrangers deliver their names and buſineſs, or elſe depart the Realm.

Reſolved, That a *Proclamation* be iſſued forth, Commanding all Strangers that are not of the Proteſtant Religion, to deliver in Tickets of their Names, and an Account of their ſtay here, within two days after the iſſuing forth of the ſaid Proclamation, or elſe to depart the Kingdom forthwith, *&c.*

Theſe Votes were accordingly communicated to the Lords, at a Conference managed by Mr. *Whitlock*, whereupon the Lords did afterwards ſend a Meſſage to the Houſe of Commons, that they have appointed a Select Committee of twelve Lords to go into the Citty, deſiring that a proportionable number of the Houſe of Commons may go with them to move the City for the Loan of 50000 *l.* for the preſent occaſions of *Ireland*; and thereupon the Houſe of Commons named a Committee accordingly.

A ſtanding Committee of both Houſes touching *Ireland*.

The Lords alſo acquainted the Commons, that they had named a Select Committee of Lords, to be a ſtanding Committee to manage the affairs of *Ireland*, and deſired the Houſe of Commons to name a proportionable number of their Houſe, thereupon a Committee of fifty two were named to meet with the Lords, to be a ſtanding Committee for the affairs of *Ireland*, and that they may have power to meet as often as they ſee convenient.

The Houſe of Commons having proceeded thus far in the affairs of *Ireland*, the firſt and ſecond day after diſcovery made unto them of the Rebellion there, did ſet a part ſome proportion almoſt of every day they ſate during the whole month of *November*, for the conſideration of the Affairs of that Kingdom; and ſo upon the third and fourth of the ſame month, reſolved upon the Queſtion, theſe particulars following, *viz.*

November 3*d* and 4*th* Reſolves touching *Ireland*.

1. That the Houſe holds fit that 200000. be forthwith ſupplied for the preſent occaſions of *Ireland*.

2. That a convenient number of Ships ſhall be provided for the garding of Sea-coaſts of *Ireland*.

3. That this Houſe holds fit that 6000. Foot and 2000. Horſe ſhall be raiſed with all convenient ſpeed for the preſent expedition into *Ireland*.

4. That the Lord Lieutenant ſhall preſent to both Houſes of Parliament ſuch Officers as he ſhall think fit to ſend into *Ireland*, to Command any Forces to be tranſported thither.

5. That the Magazines of Victuals ſhall be forthwith provided at *Weſtcheſter*, to be ſent over to *Dublin*, as the occaſions of that Kingdom ſhall require.

6. That the Magazines of Arms, Ammunition, Powder, now in *Carliſle*, ſhall be forthwith ſent over to *Knockfergus* in *Ireland*.

7. That it be referred to the *King's Council* to conſider of ſome fit way, and to preſent it to the Houſe, for a publication to be made of *Rewards* to be given to ſuch as ſhall do ſervice in this expedition into *Ireland*, and for a *Pardon* of ſuch of the Rebels in *Ireland*, as ſhall come in by a time limited, and of a ſum of mony to be appointed for a reward of ſuch as ſhall bring in the Heads of ſuch Principal *Rebels* as ſhall be nominated.

8. That

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8. That Letters ſhall be forthwith ſent to the Juſtices in *Ireland* to acquaint them, how ſenſible this Houſe is of the affairs of *Ireland.*

9. That the Committee of *Iriſh* affairs ſhall conſider how, and in what manner this Kingdom ſhall make uſe of the friendſhip and aſſiſtance of *Scotland* in the buſineſs of *Ireland.*

10. That directions ſhall be given for the drawing of a Bill, for the *preſſing* of men, for this particular of *Ireland.*

Lord Lieutenant impowred to raiſe Forces for *Ireland.*

Both Houſes alſo paſſed an *Ordinance* to enable the Lord Lieutenant, preſently to raiſe 3500. Foot and 600. Horſe for this preſent ſervice of *Ireland*, and alſo ordered, that the Maſter of his Majeſties *Ordnance* ſhould deliver to the Lord Lieutenant of *Ireland* 1000. Arms for Horſe, and 8000. Arms for Foot, and ten Laſts of Powder to be preſently ſent into *Ireland*; and that the Lord Admiral ſhould ſuddenly provide Shipping for the tranſportation of Men, Arms, Ammunition and other Proviſions.

The Lords and Commons afterwards paſſed a more Declaratory Order for the Relief of *Ireland*, which followeth in theſe words.

A declaratory Order of both Houſes of Parliament to ſerve his Majeſty in ſuppreſſing the Rebels in *Ireland.*

THE Lords and Commons in this preſent Parliament being advertiſed of the dangerous Conſpiracy and *Rebellion* in *Ireland*, by the Treachery and Wicked Inſtigations of *Romiſh Prieſts* and *Jeſuits*, for the bloody Maſſacre, and Deſtruction of all Proteſtants, living there, and other his Majeſties Loyal Subjects of Engliſh blood, though of the Romiſh Religion, being ancient Inhabitants within ſeveral Counties and parts of that Realm, who have always in former Rebellions, given Teſtimony of their *fidelity* to this Crown. And for the utter depriving of his Royal Majeſty and the Crown of *England* from the Government of that Kingdom, (under pretence of ſetting up the *Popiſh Religion*) have thereupon taken into their ſerious Conſideration, how thoſe miſchievous attempts might be moſt ſpeedily and effectually prevented, wherein the *Honour*, *Safety* and *Intereſt* of this Kingdom are moſt nearly and fully concerned: Wherefore they do hereby *declare*, that they do intend to ſerve his Majeſty with their *Lives and Fortunes* for the ſuppreſſing of this Wicked Rebellion, and in ſuch way as ſhall be thought moſt effectual, by the Wiſdom and Authority of Parliament. And thereupon have Ordered and Provided for a perſent ſupply of *money*, and raiſing the number of 6000. Foot and 2000. Horſe to be ſent from *England*, being the *full proportion* deſired by the Lords Juſtices, and his Majeſties Council reſident in that Kingdom, with a reſolution to add ſuch further Succours, as the neceſſity of thoſe affairs ſhall require. They have alſo reſolved for providing Arms and Ammunition, not only for thoſe men, but likewiſe for his Majeſties faithful Subjects of that Kingdom with ſtore of *Victuals*, and other Neceſſaries as there ſhall be occaſion. And that theſe Proviſions may more conveniently be tranſported thither, they have appointed three ſeveral Ports of this Kingdom, that is to ſay, *Briſtol*, *Weſtcheſter*, and another in *Cumberland*, where *Magazines* and Store-Houſes ſhall be kept for the ſupply of the ſeveral parts of *Ireland.* They have likewiſe reſolved to be humble Mediators to his moſt Excellent Majeſty for the encouragement of the *Engliſh* or *Iriſh*, who ſhall upon their own charges raiſe any number of Horſe or Foot, for his ſervice, againſt the Rebels, that they ſhall be honourably rewarded with *Lands of Inheritance* in *Ireland*, according to their merit. And for the better inducing of the Rebels to repent of their Wicked Attempts, they do hereby commend it to the Lord Lieutenant of *Ireland*, or in his abſence to the Deputy, or Lords Juſtices there, according to the power of the Commiſſion granted to them in that behalf, to beſtow his Majeſties gracious *pardon* to all ſuch, as within a convenient time (to be declared by the Lord Lieutenant of *Ireland*, or in his abſence, by the Lord Deputy or Lords Juſtices there, according to the power of the Commiſſion) ſhall return to their due Obedience, the greateſt part whereof they conceive to have been ſeduced on falſe grounds, by the cunning and ſubtile practices of ſome of the moſt malignant Rebels, Enemies to the State, and to the Reformed Religion; and likewiſe to beſtow ſuch *Rewards* as ſhall be thought fit, and publiſht by the ſaid Lord Lieutenant, Lord Deputy or Lords Juſtices and Council there, upon all thoſe who ſhall arreſt the Perſons, or bring in the Heads of ſuch *Traitors* as ſhall be perſonally named in any Proclamation, publiſhed by the State there: And they do hereby exhort and require all his Majeſties Loving Subjects, both in *this* and in

that

that Kingdom, to remember their Duty and Conſcience to God and his Religion, and the great and imminent danger which will befall this whole Kingdom in general, and themſelves in particular, if this *abominable Treaſon* be not timely ſuppreſt; and therefore with all readineſs, bounty, and chearfulneſs to conter their aſſiſtance, in their Perſons, or Eſtates, to this ſo important and neceſſary Service for the common good of all. *An.* 1641.

Jo. Brown, *Cler. Parlament.*

The Lords Juſtices preſently upon the diſcovery, gave Advertiſement thereof to his Majeſty then at *Edenburgh*, by a diſpatch addreſſed to Sir *Henry Vane*, principal Secretary, carryed by Sir *Henry Spotſwood*, who went by Sea directly for *Scotland*, but before he arrived the King had intelligence of the Rebellion ſent him by the Marqueſs of *Chicheſter*, from *Belfaſt*, and upon the firſt notice thereof moved the Parliament of that Kingdom to take the ſame into their conſideration, who having appointed a Committee for that purpoſe, they reported as followeth. The King preſſes the *Scots* to aſſiſt againſt the Rebels of *Ireland*.

The Report of the Committee in the Parliament of Scotland, 28. October 1641. *The King being preſent.*

HIS Majeſty produced a Letter written to him by the Lord Vicount *Chicheſter*, anent ſome Commotions in *Ireland*, which was publickly read in the audience of the King's Majeſty and Parliament: And his Majeſty deſired that ſome may be appointed to think upon that Buſineſs, ſo far as may concern his Majeſty and the Kingdom. And the Eſtates nominated the Lord Chancellor, Lord General, Lord *Lothain*, Lord *Amond*, the Lairds of *Wedderburn*, *Kinhault* and *Murthill*, the Commiſſioners of *Edinburgh*, *Glaſcow* and *Aire*, to think upon ſome Courſe neceſſary to be done anent the ſaid Letters, and what is incumbent to be done by this Kingdom thereupon, and Report again to the Parliament to meet in the General his Houſe this Afternoon at two Hours. The Parliament of *Scotland* appoint a Committee to conſider of this Rebellion in *Ireland*.

This day in the Afternoon, the Committee above nominated appointed for taking into Conſideration, the Report of the Commotions in *Ireland*, being met in the Lord General's Houſe, and having read the Letter directed to the King's Majeſty from the Lord *Chicheſter*, dated at *Belfaſt* the 24th of *October* 1641. hath conſidered, that his Majeſty, out of his Wiſdom and Royal Care of the Peace of his Kingdoms, hath already acquainted the Parliament of *England*, with the intelligence from *Ireland*, and hath ſent to *Ireland* to know the certainty of the Commotions, and of the Affairs of that Combination, which till it be perfectly known, there can be no particular Courſe taken for ſuppreſſing thereof; and the Kingdom of *Ireland* being dependent upon the Crown and Kingdom of *England*, the *Engliſh* may conceive jealouſies, and miſtake our forwardneſs when they ſhall hear of our preparations, without their knowledge in this, wherein they are firſt and more properly concerned. And if the inſurrections be of that importance, as the *Britiſh* within *Ireland* are not powerful enough to ſuppreſs it without greater forces; nor their Allies, and that his Majeſty and Parliament of *England* ſhall think our Aid neceſſary to joyn with them, we conceive that the Aſſiſtance which we can contribute, may be in readineſs as ſoon as *England*; and if after Reſolution taken by his Majeſty, with advice of both Parliaments, it ſhall be found neceſſary, that we give our preſent Aſſiſtance, we ſhall go about it with that ſpeed, which may witneſs our dutiful Reſpects to his Majeſties ſervice, and our affections to our Brethren, his Majeſties Loyal Subjects of *England* and *Ireland*. *Octob.* 28. 1641. Their Report.

29. *Die Octobris*, 1641.

Read in Audience of his Majeſty and Eſtates of Parliament, *ad futuram Rei Memoriam* as ane Teſtimony of their Affections to his Majeſties ſervice, and the good of the Neighbour Kingdoms, and appoints thrie of the Baronis, and thrie Borrowis to meet the Erle of *Eglintowne* at thrie howris afternoon, to take to thair Conſideration by way of Eſtimation or Conjecture, the numbre of *Bottis* or Lime *Faddis*, which in the partis of this Kingdom, lying oppoſite to *Ireland*, may

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may be had in readineſs, and what numbre of men may be Tranſported thairin, and to report again to the Parliament.

The King alſo ſent Expreſſes from *Scotland* to both Houſes of Parliament in *England*, referring this Buſineſs of *Ireland* to their Care and Management.

A private intimation to the Lords Juſtices of an *Iriſh* Plot, *March* 16. 1640.

It is to be noted, That before this Rebellion broke out, the Lords Juſtices had ſome hints given them, that there was ſome Plot in hand by the *Iriſh*, though nothing in particular was diſcovered, where, when, or by whom it ſhould be acted. The firſt Letter which they received to that purpoſe, was written by the Command of his Majeſty by Sir *Henry Vane*, then Secretary of State, which Letter bears date the 16th of *March*, 1640. and followeth in theſe words:

Sir *Henry Vanes* Letter, by the King's Command, to the Lords Juſtices in *Ireland*, of a ſuſpition that the *Iriſh* are upon ſome great Deſign, *March* 16. 1640.

Right Honourable,

HIS *Majeſty hath Commanded me to acquaint your Lordſhips, with an advice given him from abroad and confirmed by his Miniſters in* Spain, *and elſewhere, which in this diſtempered time, and conjuncture of affairs, deſerves to be ſeriouſly conſidered, and an Eſpecial Care and Watchfulneſs to be had therein, which is, that of late there have paſſed* from Spain, (*and the like may well have been from other parts*) *an* unſpeakable number of *Iriſh* Churchmen, *for* England *and* Ireland, *and ſome* good old Soldiers, *under pretext of asking leave to raiſe men for the King of* Spain, *whereas it is obſerved* (*among the* Iriſh *Friers there*) *a whiſper runs, as if they expected a* Rebellion *in* Ireland, *and particularly in* Connaght; *wherefore his Majeſty thought fit to give your Lordſhips this notice, that in your Wiſdoms you might manage the ſame with that dexterity and ſecreſie, as to diſcover and prevent ſo pernicious a Deſign, if any ſuch there ſhould be, and to have a watchful eye on the proceedings and actions of thoſe who come thither from abroad, on what pretext ſoever; and ſo herewith I reſt,*

Your Lordſhips moſt Humble Servant,

Whitehall, March 16. 1640.

Henry Vane.

A Letter from Sir *William Cole*, intimating ſome Deſign by the *Iriſh*, *October* 11.

THE *next dark Advertiſement, which the Lords Juſtices received, was by a Letter from Sir* William Cole, *dated the* 11*th of* October 1641. *who gave the Lords Juſtices and Council notice, that there was a great reſort to Sir* Philime O-Neal, *in the County of* Tyrone, *as alſo to the Houſe of the Lord* Macguire *in the County of* Fermanagh, *and that by ſeveral ſuſpected perſons, fit Inſtruments for Miſchief; as alſo that the ſaid Lord* Macguire *had of late made ſeveral Journeys into the* Pale, *and other places, and had ſpent his time much in writing Letters, and ſending Diſpatches abroad; all which ſeemed to the Lords Juſtices but* Conjectural, *as to the ſecreſie of the Plot, which could not by this be diſcovered; ſo that from this general diſcovery, nothing could be had but a Circumſpect Eye upon the* Iriſh, *to make a further diſcovery of their particular Deſign.*

Commiſſions granted to the Lord Viſcount Clandebois *and to the Lord* Ardis, *and others*, October 27.

ABout the 27th of *October* the Lords Juſtices and Council ſent Commiſſions to the Lords Viſcounts of *Clandeboys*, and of *Ardes*, to raiſe the *Scots* in the Northern Parts; they alſo writ to Sir *William* and Sir *Robert Stewart*, with other Gentlemen of Quality in the *North*, giving them power to proſecute the Rebels with Fire and Sword; yet

ſo,

ſo, as to receive ſuch as ſhould ſubmit to His Majeſty's Grace and Mercy, ſignifying withal, that although by the ſaid Commiſſion they gave them full Power thereunto, yet they did then let them know, that for thoſe who were chief among the Rebels, and Ring-leaders of the reſt to diſobedience, that they adjudged them leſs worthy of favour than the others whom they had miſguided: And therefore for thoſe principal Perſons, they required them to take care not to be too forward (without firſt conſulting the Council-Board) in proffering or promiſing mercy to thoſe, unleſs they the ſaid Commiſſioners ſaw it of great and unavoidable neceſſity. They likewiſe writ to the Lords Preſidents of *Munſter* and *Conaught*, adviſing them to be upon their Guards. And that ſeveral of the Catholick Communion might not ſay, but they alſo were confided in, the Lords Juſtices (who were willing to continue all proofs imaginable of their confidence in them) gave in *November* ſeveral Commiſſions of Government, to the Lord *Gormanſton* in *Meath*, the Lord *Mount Garret* in *Kilkenny*, *Nicholas Barnwell* in *Dublin*, *Water Bagnall* in *Caterlaugh*, the Lord *Lowth* in *Lowth*, Sir *Thomas Nugent* in *Weſtmeath*, Sir *Robert Talbot* in *Wicklow*, the two Sir *James Dillons* in *Longford*, and ſeveral others, as well in *Munſter* as *Conaught* and *Ulſter*, who contrary to the Truſt repoſed in them, ſoon after joyned with the Rebels, and proved as violent if not worſe, againſt the Proteſtants, as thoſe who firſt appeared in the Rebellion; and becauſe the times required ſomething extraordinary, beyond the courſe of Common Law, the Lords Juſtices and Counſel gave ſeveral Commiſſions of *Martial Law*, to the prime Gentlemen of the *Pale* (all *Roman Catholicks*) as to *Henry Talbot* in the County of *Dublin*, *John Bellow* Eſquire in the County of *Lowth*, *Richard Dalton*, and *James Tuit* Eſquire in the County of *Weſtmeath*, *Valerian Weſley* in the County of *Meath*, *James Talbot* in the County of *Cavan*.

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By the Lords Juſtices and Counſel.

William Parſons, John Borlaſe.

The Lords Juſtices Commiſſion to the Lord *Gormanſtown*.

Right Truſty and well beloved, we greet you well; Whereas divers moſt diſloyal and malignant Perſons within this Kingdom have traiterouſly conſpired againſt His Majeſty his Peace, Crown and Dignity, and many of them in execution of their conſpiracy, are traiterouſly aſſembled together in a warlike manner, and have moſt inhumanly made deſtruction and devaſtation of the Perſons and Eſtates of His Majeſty's Good and Loyal Subjects of this Kingdom, and taken, ſlain, and impriſoned great numbers of them; We, out of our Care and Zeal for the common good being deſirous by all means to ſuppreſs the ſaid Treaſons and Traytors, and to conſerve the Perſons and Fortunes of His Majeſty's loving Subjects here in ſafety, and to prevent the further ſpoil and devaſtation of His Majeſty's good People here, do therefore hereby require and authorize you to Levy, Raiſe, and Aſſemble all, every or any of the Forces, as well Footmen as Horſemen within the County of Meath, *giving you hereby the Command in chief of all the ſaid Forces, and hereby further requiring and authorizing you, as Commander of them in chief, to Arm, Array, Divide, Diſpoſe, Diſtribute, Conduct, Lead, and Govern in chief the ſaid Forces, according to your diſcretion, and with the ſaid Forces to reſiſt, purſue, follow, apprehend and put to death, kill and ſlay, as well by Battle as other ways, all and ſingular the ſaid Conſpirators, Traytors, and their Adherents according to your diſcretion, and according to your conſcience to proceed againſt them, or any of them, or by Martial Law, by hanging them or*

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To our very good Lord
Nicholas Gormanſtown
Vic. Com.

R. Dillon, Jo. Temple,
Ja. Ware, Robert Merideth.

The Lords Juſtices made their ſecond diſpatch to His Majeſty then at Edenburgh, *and to both Houſes of Parliament in* England, Nov. 6th.

UPON the 5*th.* of *November* the Lords Juſtices in *Ireland* made their ſecond diſpatch unto His Majeſty ſtill at *Edenburgh*, in *Scotland*; and at the ſame time they ſent ſeveral Letters into *England*, to the Lord Keeper, Speaker of the Houſe of Peers, to the Speaker of the Houſe of Commons, to the Lords of His Majeſty's moſt honourable Privy-Counil, and to the Lord Lieutenant of *Ireland*, in all which they did moſt earneſtly declare their preſent dangers, together with the neceſſity of ſending *ſudden Relief*. In their Letter to the Lords of the Counſel, they did more particularly ſet down, the miſerable Eſtate of the whole Kingdom, and the large Progreſs that the Rebellion had in few days made ſince it broke out, they repreſented unto their Lordſhips, the great Outrages the Rebels had committed upon the *Britiſh* Inhabitants in *Ulſter*, that they had ſeized upon all their Eſtates and Houſes in five Counties of that Province, poſſeſſed their Arms, detained many of the principal Gentlemen Priſoners; that they had already ſlain many moſt barbarouſly, hewd ſome to pieces, that they have expoſed thouſands to Want and Beggary, who had good Eſtates and lived plentifully; that the Rebellion began then to diffuſe it ſelf into the Counties of *Longford* and *Letrim*, and to threaten the *Engliſh* Plantations in the *King* and *Queens County*, that the Inhabitants of the Counties of *Meath* and *Lowth*, began to fall upon the *Engliſh* near about them, that they conceived there could be no leſs then thirty thouſand, who had already openly declared themſelves in this Rebellion, and were aſſembled together in ſeveral great parties, that they underſtood their deſign was, having got *Dundalke*, to take in *Tredagh*, and ſo to come up immediately to beſiege the City and Caſtle of *Dublin*; that they gave out publickly, their purpoſe was to extirpate the *Engliſh* and Proteſtants, and not to lay down Arms until the Romiſh Religion were eſtabliſhed, the Government ſettled in the Hands of the *Natives*, and the old *Iriſh* reſtored to the Lands of their ſuppoſed Anceſtors; that they held it their duty to acquaint their Lordſhips with the lamentable Eſtate wherein the Kingdom ſtood, that His Majeſty and the Parliament might underſtand it, and ſo ſpeedily provide for

Thirty thouſand in Rebellion in about ten days time.

17 *Caroli.*

for ſending over to their relief ten thouſand Foot and one thouſand Horſe, together with ſome able Commanders, 100000 *l.* in Money, and further proviſions of Arms, that unleſs theſe were preſently ſent to them (they craved leave to repeat it again and again) the Kingdom would be *utterly loſt*, all the *Engliſh* and *Proteſtants* in *Ireland* deſtroyed, the Peace of the Kingdom of *England* diſturbed by the *Iriſh* from thence, and ſo *England* enforced to make a new Conqueſt of it.

Commons Vote two hundred thouſand pounds to be raiſed for *Ireland.*

This ſecond diſpatch from the Lords Juſtices laying open the increaſe of the Rebellion, had ſuch impreſſion upon the Affections of the Houſe of Commons to relieve that diſtreſſed Kingdom, as that they voted to raiſe 200000 *l.* for ſuppreſſing the *Iriſh* Rebellion and for the ſecuring of the Kingdom of *England*, and for as much as Money could not ſuddenly be raiſed, they paſſed this following *Ordinance*, for ſecuring the City of *London* to advance the fifty thouſand pound formerly voted, *viz.*

Order to ſecure fifty thouſand pounds to be lent by the City of *London.*

THE Lords and Commons in this preſent Parliament aſſembled, having a due regard to the good Affections of the City of London *expreſſed upon ſundry occaſions, by the advancing and lending of great Sums of Money for the Service of the Common-wealth, and particularly the Sum of* 50000 *l. lent for the* Iriſh *Affairs, and the Sum of* 50000 *l. more lent by the ſaid City unto the Peers attending His Majeſty in the* Northern *parts before the beginning of this preſent Parliament, which are not yet paid or otherways ſecured, do declare and order, that the ſaid ſeveral Sums of Money ſhall be fully ſatisfied and repaid unto the ſaid City of* London *with Intereſt of* 8 *l.* per Cent *for one Year, out of ſuch Monies as are or ſhall be raiſed by Authority of Parliament: And for that purpoſe an Act of Parliament to be paſſed with all expedition. Provided always that this preſent Ordinance ſhall not in any ways be prejudicial to any Members of the ſaid Houſe of Commons, who have formerly lent any Sums of Money to this Parliament nor to the* Northern *Counties, nor to any Perſons whatſoever, to whom both Houſes of Parliament, or the ſaid Houſe of Commons have formerly ordered the Payment of any Sums of Money, nor to any ſecurity given to them, before the making of this Ordinance.*

Whilſt the Parliament of *England* was endeavouring for the relief of *Ireland*, the Lords Juſtices and Counſel there, were not wanting to ſecure the Caſtle of *Dublin*, and to help the diſtreſſed Proteſtants that were at the mercy of the Rebels.

Securing the Caſtle of *Dublin.*

As for the Caſtle of *Dublin*, Sir *Francis Willoughby* was made Governour, and had a Company of an hundred Men well armed, beſides ordinary Watchers.

Alſo the Lords Juſtices took care for victualling of the Caſtle which was particularly recommended to Sir *John Temple* the Maſter of the Rolls, who ſent for the Merchants that were Proteſtants, and repreſented to them the great neceſſity of the State, the great danger of *Dublin*, the publick benefit, and thereby private ſecurity in laying into the Caſtle ſuch of their proviſions as they had lying by them in unſafe places of the City, theſe impreſſions prevailed upon them ſo that they were content to bring in great quantities of *Beef*, *Herrings*, and *Corn* upon the Maſter of the Rolls undertaking to ſee them ſatisfied in caſe uſe were made of them.

So that there was preſently laid in by the *Engliſh* and *Dutch* Merchants within the Verge of the Caſtle above two thouſand Barrels of Beef, two thouſand Barrels of *Herrings*, and a good proportion of *Wheat* ſufficient to victual the Caſtle for many Months which the Rebels gave out they would ſuddenly beſeige.

The Rebels of *Cavan* ſend a Paper by Dr. *Jones*, *Nov.* 6.

On the *6th.* of *November* the Rebels of *Cavan* proffered a Paper to the Lords Juſtices to be recommended by them to His Majeſty, which Doctor *Jones* and Mr. *Waldron* delivered to their Lordſhips; the Doctor being obliged in that Service, he, his Wife and Children dwelling among the Rebels, and lying at their mercy; to which their Lordſhips gave Anſwer, with all the moderation and ſatisfaction that could ſtand with their duty, to invite the *Iriſh* to forbear their proceedings, and ſubmit to His Majeſty: But the Inhabitants of *Cavan* during the preſenting this Paper, ſummoned all perſons from ſixteen to ſixty to appear at *Virginia* a place in the way to *Dublin*; notwithſtanding that they had impowered Doctor *Jones* to aſſure their Lordſhips, that there ſhould be a Ceſſation of all things, until the return of their Lordſhips Anſwer; and afterwards it ſo fell out that none were more treacherous and fierce then they in that

None more treacherous and cruel then the Rebels of *Cavan.*

An. 1641.

Two Caſtles well defended by Sir *Francis Hamilton* and Sir *James Craigo.*

County of *Cavan*, for by the 11*th.* of *December* it was wholly reduced into the Hands of the Rebels; except two Caſtles, the one belonging to Sir *Francis Hamilton* Baronet, the other to Sir *James Craigo* Knight, who nobly defended each Caſtle and ſuccoured one another, that they found the Rebels work for a whole Year, and Sir *Ja. Craigo* a Gentleman of great Abilities falling ſick, and ſtore of Ammunition and Proviſion failing, and the Rebels having tainted their Wells with dead Carcaſſes, both Caſtles were delivered up to *Phillip Machugh O Relie* upon honourable Terms, who being conveyed toward *Tredagh*, were received eight Miles from that Town by Sir *H. Tichburn*. For the Lords Juſtices having intelligence from Doctor *Jones*, that during his Impriſonment amongſt the Rebels at *Cavan* he underſtood they intended to beſiege *Tredagh*, appointed the ſaid Sir *Henry* to be Colonel and Governour of that Town, and aſſiſted him with what Forces they could.

The Parliament in *Ireland* meets the 17*th.* of *Nov.*

The Parliament of *Ireland* was to meet according to a former Adjournment the 17*th.* of *November*. But in the interim this Rebellion being broke out, the Lords Juſtices and Counſel (as you had it expreſs'd before in their Letter) thought it neceſſary to prorogue it until the 24*th.* of *February*, and ſet forth a Proclamation to that purpoſe; but a few days before the ſaid 17*th.* of *November*, there was a great murmuring againſt this putting off the Parliament amongſt the Popiſh Lords and Gentlemen that were Members. And Mr. *Burk* (who was one of the Committee lately imployed into *England*) came to the Lord *Dillon* of *Kilkenny Weſt*, and highly complained of the injury, which (he ſaid) was thereby done to the whole Nation, hindring them from expreſſing their Loyal Affections to His Majeſty, and ſhewing their deſires to quell this dangerous Rebellion; and that they had reaſon to reſent it ſo high as to complain thereof to the King. Hereupon to ſatisfie them, it was after ſome debate conſented unto by the Lords Juſtices and Council, that they ſhould ſit a day or two provided they do immediately fall upon the Work of making a clear proteſtation againſt the Rebels, and that the time of the Prorogation ſhould be ſhortned.

A ſmart Speech in the Parliament of *Ireland* againſt the Rebels, *Nov.* the 17*th.*

Accordingly *November* the 17*th.* the Houſes met, but very thin, and then it appeared that the Zeal of theſe Gentlemen that ſo much deſired a ſitting, was nothing ſo fervent againſt the Rebels, for when they came to treat of this inſurrection in order to the drawing up ſuch a Proteſtation, they covered it with ſuch a veil, and treated of it ſo nicely, and with that tenderneſs as gave reaſon to ſuſpect they were themſelves tainted with the ſame infection, inſiſting that they might not be called *Traitors*, nor *Rebels*, for (they ſaid) ſuch Terms would too much *exaſperate* them, and the Appellation of *diſcontented Gentlemen* was the worſt that would be wrung from them, until one Gentleman heartily deteſting the Fig-leaves, thrown over this nakedneſs, told the Speaker, *That though he had not arrived at that conſiſtency of Years; as that his words might challenge there an Audience, becauſe* days ſhould ſpeak, *and* multitudes of years teach wiſdom; *yet he could not not but obſerve many paſſages in that Aſſembly, too like* Catilines *in the Senate, and therefore moved that it might not be told in that Houſe, or publiſhed at* Askelon, *that ſo general a Revolt (accompanied with ſuch horrid and barbarous circumſtances,) ſhould be took notice of with a more favourable expreſſion then* Treaſon *and* Rebellion; he added further, *That he did not know, but that that was the Seaſon, wherein they were caſt on their Tryal, whether* Allegiance *or* Rebellion, God *or the* Pope *were to be owned, and that as to any thing that might* ſoften *the Rebels, he conceived they were* hardned *with ſo much villany, that they eſteemed all things juſtifiable that were attainable.* Iram atque Animos a Crimine Sumunt, *and therefore it was fit that that Houſe ſhould act as ſenſible of the Rebels cruelties, and truſt God to vindicate his and his Peoples Cauſe*; Upon which and other Arguments, a Medium was found out not to call them Traitors, but yet to ſay they had traiterouſly and rebelliouſly raiſed, *&c.* And ſo the next day their Proteſtation was framed and concluded, as followeth,

The

Caroli 17.

The Proteſtation and Declaration of the Lords Spiritual and Temporal, and Commons in Parliament, aſſembled at *Dublin* in *Ireland* the 18th day of *November* 1641.

Proteſtation by the Parliament in *Ireland* againſt the *Iriſh* inſurrection, *Nov.* 18.

WHereas the happy and peaceable Eſtate of this Realm, hath been of late, and is ſtill interrupted by ſundry perſons ill affected to the peace and tranquility thereof, who contrary to their Duty and Loyalty to his Majeſty, and againſt the Laws of God, and the Fundamental Laws of this Realm, have Traiterouſly and Rebelliouſly raiſed Arms, ſeized upon his Majeſties Forts and Caſtles, and diſpoſſeſſed many of his Faithful Subjects of their Houſes, Lands and Goods, and have ſlain many of them, and committed other cruel and inhumane Outrages and Acts of Hoſtility within this Realm.

The ſaid Lords and Commons in Parliament aſſembled, being juſtly moved with a Right ſenſe of the ſaid Diſloyal and Rebellious Proceedings and Actions of the ſaid Perſons aforeſaid, do hereby Proteſt and Declare, That the ſaid Lords and Commons from their hearts, do deteſt *and* abhor *the ſaid abominable actions, and that they ſhall, and will to their utmoſt Power, maintain the Rights of his Majeſties Crown, and Government of this Realm, and the peace and ſafety thereof, as well againſt the perſons aforeſaid, their Abettors, Adherents, as alſo againſt all Foreign Princes, Potentates, and other perſons and attempts whatſoever; And in caſe the perſons aforeſaid do not repent of their aforeſaid Actions, and lay down their Arms, and become humble Suitors to his Majeſty for Grace and Mercy, in ſuch convenient time, and in ſuch manner and form, as by his Majeſty, or his chief Governor or Governors, and the Council of this Realm ſhall be ſet down, the ſaid Lords and Commons do further Proteſt and Declare, that they will take up Arms, and will with their Lives and Fortunes ſuppreſs them and their Attempts, in ſuch a way as by the Authority of the Parliament of this Kingdom, with the approbation of his Excellent Majeſty, or of his Majeſties Chief Governor or Governors of this Kingdom ſhall be thought moſt effectual.*

Copia vera exam' per Phil. Percivall, *Cler. Parlament.*

The Parliament ſate but two days, and the prorogation was ſhortned to the eleventh of *January*; the Lords made choice of the Lord Viſcount *Coſtelo* to go into *England*, to carry over their deſires to his Majeſty concerning the means they thought fit to be uſed for the quenching this preſent flame: And accordingly within few days after the Adjournment of the Parliament, the Lord *Dillon* of *Coſtelo*, accompanied with the Lord *Taff*, imbarqued for *England*, but by a ſtorm were driven into *Scotland*, where they landed and proceeded towards *London*; But at *Ware* their Papers were ſeized upon, by directions from the Parliament of *England*, and their perſons committed; but afterwards they made ſhift to eſcape, and waited upon his Majeſty.

Lords Juſtices do acknowledge the Parliaments care in the ſpeedy ſending Proviſions to *Dublin*, *Nov.* 27.

There came Letters from *Ireland*, dated the 27th of *November*, wherein the Lords Juſtices and Council gave great thanks to the Parliament for their care in the ſpeedy ſending over Proviſions and Mony, praying ſtill a greater ſupply; intimating that the Rebellion in *Ireland* is ſo general, that whole Counties have joyned themſelves to the Rebels, and that they are come within four miles of *Dublin*, driving away their Cattle, and ſtopping Proviſions from coming to the City. That they acknowledge the King to be their Lawful Sovereign, and

An. 1641.

and have writ a Letter to the Lord *Dillon*, with inſtructions to go for *England*, and to acquaint his Majeſty with their Grievances, and deſire of Tolleration for their Religion. Which Letter was as followeth.

A Copy of a Letter directed to the Lord *Dillon*, Viſcount *Coſtilough*, from the Rebels of the County of *Longford* in *Ireland*, which he preſented to the State in their behalf, *November* 10. 1641.

Our very good Lord,

The Popiſh *Iriſh* in the County of *Longford*, their high demands of the Lords Juſtices.

OUR Alliance with your Lordſhips Anceſtors, and your Self, and the trial of your and their performance of Truſt unto their Friends in their greateſt Adverſity, encourageth us, and engageth your Honour to our fruition of your future Favors; The fixing of our Confidence in you, before any other of the Peers and Privy Councellors of the Kingdom, doubleth this obligation, your Lordſhip may therefore be pleaſed to acquaint the Lords Juſtices and Council (to be imparted unto his Sacred Majeſty) with our Grievances, and the Cauſes thereof; the reading of which we moſt humbly pray, and the manner of it.

Firſt, *The Papiſts in the Neighbouring Counties are ſeverely puniſhed, and their miſeries might ſerve as Beacons unto us to look unto our own, when our Neighbours Houſes are on fire; and we, and other Papiſts are, and will be as* loyal *Subjects as any in the King's Dominions; for manifeſtation whereof, we ſend herein incloſed an* Oath *ſolemny taken by us, which as it made indelible impreſſion in our Hearts, ſhall be Signed with our Hand, and Sealed with our* Blood.

Secondly, *There is an incapacity in the Papiſts of* Honour, *they not having the* Immunities *of true Subjects, the Royal Marks of* Diſtributive *Juſtice, and a diſfavour in the* Commutative; *which raiſed Strangers and Foreigners, whoſe Valor and Vertue was invincible, when the old Families of the* Engliſh, *and the major part of us the meer* Iriſh, *did ſwim in Blood to ſerve the Crown of* England, *when Offices ſhould call* Men of Worth, *Men without Worth or Merit* obtain *them.*

Thirdly, *The Statute of the 2d* Elizabeth *of force in this Kingdom againſt us; and they of our Religion, doth not a little diſanimate us, and the reſt.*

Fourthly, *The avoidance of Grants of our Lands and Liberties by* Quirks *and* Quiddities *of the Law, without reflecting upon the King's Royal and Real Intention for confirming our Eſtates, his Broad Seal being the Pawn betwixt his Majeſty and his People.*

Fifthly, *The reſtraint of* purchaſe *in the meer* Iriſh *of Lands in the Eſcheated Counties, and the taint and blemiſh of them and their Poſterities, doth more diſcontent them, than that Plantation Rule; for they are brought to that Exigency of Poverty in theſe late times, that they muſt be* Sellers *and not* Buyers *of Lands: And we conceive, and humbly offer to your Lordſhips Conſideration* (principiis obſta) *that in the beginning of this Commotion, your Lordſhip, as it is hereditary for you, will be a Phyſitian to cure this Diſeaſe in us, and by our Examples, it will doubtleſs beget the like Auſpicious Succeſs in all other parts of the Kingdom: For we are of opinion it is* one Sickneſs, *and* one Pharmaca *will ſuffice,* Sublata Cauſa tollitur Effectus. *And it will be recorded, that you will do ſervice unto God, King and Country; and for ſalving every the aforeſaid Sores, your Lordſhip is to be an humble* Suitor in our behalf, *and of the reſt of the Papiſts, that out of the abundance of his Majeſties Clemency, there may be* an Act of Oblivion, *and general pardon* without reſtitution *or account of Goods taken in the time of this Commotion, a* Liberty of our Religion, *a Repeal of all Statutes formerly made to the contrary, and* not *by Proclamation, but in a Parliamentary way: A Charter, Free Denizen in ample manner for meer* Iriſh: *all which in ſucceeding Ages will prove an Union in all his Majeſties Dominions inſtead of Diviſion, a Comfort in Deſolation, and a Happineſs in Perpetuity for an Imminent Calamity; and this being granted, there will be all things,* quæ ſunt Cæſaris, Cæſari, *and* quæ ſunt Dei, Deo. *And what was by the Poet written (though it be prophane in other matters, yet in this) prophetically* Diviſum Imperi-

um

um cum Jove, Cæſar habebit; *All which for this preſent we leave to your Honourable Care, and we will, as we ever did, and do remain,* 17 *Caroli.*

Your very humble and aſſured Servants
ever to be Commanded,

Hugh Mac Gillernow Farrall.
James Farrall.
Bryan Farrall.
Readagh Farrall.
Edmond Mac Caell Farrell.
John Farrell in *Carbury.*
Garret Farral.
Liſagh Mac Conel Farrall.
Bryan Mac William Farrall.
John Mac Edmond Farrall.
John Farrall.
Roger Mac Bryne Farrall.
Barnaby Farrall.
James Mac Trig Farrell, his mark.
Morgan Mac Carbry Farrall.
Donnagh Mac Carbry Farrall.
Richard Mac Conel Farrall.
William Mac James Farrall.
James Farrall.
Taghna Mac Rory Farrall.
Cormack Mac Rory Farrall.
Cornack Mac Bryne Farrall.
Readagh Mac Liſagh Farrall.
Conner Oge Mac Conner Farrall.
Edmond Mac Conner Farrell.
Cahel Mac Bryne Farrall.

The Names of the Chief Rebels.

The Chief of the Northern Rebels, that firſt appeared in the execution of this Plot within the Province of *Ulſter*, were, Sir *Phelim O Neal*, *Turlogh O Neal* his Brother, *Roury Mac Guire*, Brother the Lord *Mac Guire*, *Philip O Rely*, *Mul. more O Rely*, Sir *Conne Mac Gennis*, Colonel *Mac Bryan*, *Mac Mahon*, theſe having cloſely combined together, with ſeveral other of their Accomplices, the Chief of the ſeveral *Septs* in the ſeveral Counties, divided their Forces into ſeveral Parties; and according to a General Aſſignation made among themſelves, at one and the ſame time ſurprized by treachery the Town and Caſtle of the *Newry*, the Fort of *Dongannon*, Fort *Montjoy*, *Carlemont*, *Tonrages*, *Carick Mac-Roſs*, *Clough-Cutter*, Caſtle *Blaney*, Caſtle of *Monaghan*, being all of them places of conſiderable ſtrength, and in ſeveral of them Companies of Foot, or Troops of Horſe belonging to the Standing Army; beſides theſe they took a multitude of other Caſtles, Houſes of Strength, Towns and Villages, all abundantly peopled with *Britiſh* Inhabitants, who had exceedingly enriched the Country as well as themſelves by their painful labours.

Several Forts, and other places ſuddenly ſurprized by the Rebels.

The Oath of the Confederate Roman Catholicks of *Ireland.*

The Oath of the *Iriſh* Rebels.

I A. B. do in the preſence of Almighty God, and all the Angels and Saints in Heaven, Promiſe, Vow, Swear and Proteſt, to maintain and defend, as far as I may, with my Life, Power and Eſtate, the publick and free exerciſe of the True and Catholick Roman Religion, againſt all Perſons that ſhall oppoſe the ſame; I further Swear, That I will bear Faith and Allegiance to our Soveraign Lord King Charles, his Heirs and Succeſſors, and that I will defend Him and Them, as far as I may, with my Life, Power and Eſtate, againſt all ſuch Perſons as ſhall attempt any thing againſt their Royal Perſons, Honours and Eſtates, or Dignities, and againſt all ſuch as ſhall directly or indirectly endeavour to ſuppreſs their Royal Prerogatives, or do any Act, or acts contrary to Regal Government, as alſo the Power and Priviledges of Parliament, the lawful Rights and Priviledges of the Subject,

17 *Caroli.*

jects, and every Perſon that makes this Vow Oath, and Proteſtation, in whatſoever he ſhall do in the lawful purſuance of the ſame, and to my Power as far as I may, I will oppoſe, and by all ways and means endeavour to bring to condign Puniſhment, even to the loſs of Life, Liberty and Eſtate, all ſuch as ſhall, either by Force, Practiſe, Counſels, Plots, Conſpiracies, or otherwiſe, do, or attempt any thing to the contrary of any Article, Clauſe, or any other thing in this preſent Vow, Oath, and Proteſtation contained. So help me God.

The *Iriſh* falſifie their Oaths and Proteſtations to the *Engliſh* and after quarter given them in ſeveral places murder and deſtroy them.

As for the Proceedings of the Rebels, beſides their open Cruelties; they uſed Stratagems to facilitate their purpoſes. For ſuch of the *Engliſh* as ſtood upon their Guard, and had gathered together, though but in ſmall numbers, the *Iriſh* had recourſe to their ancient Stratagem, which as they have formerly, ſo they ſtill continued to make frequent uſe of in this preſent Rebellion, and that was fairly to offer unto them good Conditions of quarter, to aſſure them their Lives, their Goods and free Paſſage, with a ſafe conduct into what place ſoever they pleaſed, and to confirm theſe Covenants ſometimes under their Hands and Seals, ſometimes with deep Oaths and Proteſtations, and as ſoon as they had them in their Power to hold themſelves diſobliged from their Promiſes, and to leave their Souldiers at liberty to deſpoil, ſtrip, and murder them at their pleaſure.

Several Policies uſed by the *Iriſh* to prevent the *Engliſh* from riſing againſt them, and the *Scots* from joyning in their defence.

And beſides theſe, other Policies they uſed; ſome to diſtract and diſcourage them, others to diſable them to ſtand out to make any defence, as in ſeveral places the *Iriſh* came under divers pretences, and borrowed ſuch Weapons and Arms as the *Engliſh* had in their Houſes, and no ſooner got them into their Hands, but they turned them out of their own doors, as they did at *Glaſlough*, in the County of *Monaghan*; and by the ſame means they very gently and fairly got into their poſſeſſion all the *Engliſh* Arms in the County of *Cavan*: The High Sheriff there being an *Iriſhman* and a *Papiſt*, pretending that he took their Arms to ſecure them only againſt the violence of ſuch of the *Iriſh* as he underſtood to be in Arms in the next County: And that they might the more eaſily effect the deſtruction of the *Engliſh*, and keep of the *Scots* from giving them any aſſiſtance, they openly profeſſed to ſpare them (as really they did at the firſt, all of the *Scotiſh* Nation) and pretended they would ſuffer them, as likewiſe all *Engliſh* Papiſts to live quietly among them, hoping thereby to perſwade all of that Nation from taking up Arms, till they had maſtered all the *Engliſh*, and that then they ſhould be well enough enabled to deal with them, thus were the poor *Engliſh* prepared for the Slaughter, and ſo exceedingly diſtracted with the tumultuous riſing of the *Iriſh* on all ſides about them, as they could never put themſelves into a Poſture of defence. And although in many places they made ſmall parties and betook themſelves into ſeveral Churches and Caſtles, ſome of which were moſt gallantly defended by them, yet did they not draw together in any ſuch conſiderable body, as would enable them to make good their party in the Field, againſt the numerous Forces of the Rebels. The truth is, they did not very readily endeavour and dexterouſly attempt it in any part of that Province, as I could hear of; every Man betaking himſelf the beſt he could to the care of his own Houſe, and ſeeking how to ſave his own Family, his Goods within and his Cattle without, and ſo while they keept ſingly a part, and ſignly ſtood up for their own private preſervation, not joyning their Forces together for the common Safety they gave the Rebels a fair opportunity and a ſingular advantage, to work out with great facility their common deſtruction. Whereas if they had deſerted their Houſes upon the firſt notice of the riſing up of the *Iriſh*, and in the ſeveral Counties put themſelves into ſeveral Bodies, under the Commands of the chief *Engliſh* Gentlemen round about them, they had undoubtedly (how ill ſoever they were provided of Arms and Munition) been able to have encountred the *Iriſh*, and to have put them to ſome ſtand in their enterprize, whereas by the courſe they took, they moſt readily, without almoſt any reſiſtance, expoſed themſelves to the mercileſs cruelty of the *Iriſh*, who at the very firſt (for ſome few days after their breaking out) did not in moſt places murder any of them, but the courſe they took, was to ſeize upon all their Goods and Cattle, to ſtrip them, their Wives and Children naked, and in that miſerable plight the weather being moſt bitter Cold and Froſty, to turn them out of their Houſes, to drive them to the Mountains, to wander through the Woods and Bogs.

The *Engliſh* ſtand upon the defence of their private Houſes without joyning together in one body whereby they gave great advantage.

The

17 *Caroli.*

The very *Iriſh* Children in the very beginning fell to ſtrip and kill *Engliſh* Children: all other relations were quite cancelled and laid aſide, and it was now eſteemed a moſt meritorious Work, in any of them that could by any means or ways whatſoever, bring an *Engliſh* Man to the Slaughter; a work not very difficult to be compaſſed, as things then ſtood. For they living Promiſcuouſly among the *Britiſh*, in all Parts, having from their Prieſts received the *Watchword*, both for time and place, roſe up, as it were Actuated by one and the ſame Spirit; in all places of theſe Counties before-mentioned, at one and the ſame *point of time*, and ſo in a moment fell upon them; Murdering ſome, Stripping only, or Expelling others out of their Habitations. This bred ſuch a general terror and Aſtoniſhment among the *Engliſh*, as they knew not what to think, much leſs what to do, or which way to turn themſelves; their Servants were killed as they were Ploughing in the Fields: Husbands cut to pieces in the preſence of their Wives, their Childrens Brains daſhed out before their Faces; others had all their Goods and Cattle ſeized and carried away, their Houſes burnt, their Habitations laid waſte, and all as it were at an inſtant, before they could ſuſpect the *Iriſh* for their Enemies, or any ways imagin that they had it in their Hearts, or in their power to offer ſo great violence, or do ſuch miſchief.

The interrmixture of the *Engliſh* among the *Iriſh* a main Cauſe of their ſudden diſtruction.

But to return now to the *Northern* Rebels, who ſo cloſely purſued on their firſt Plot, as they were beginning to put it in Execution in moſt of the chief places of ſtrength, thereupon the 23*th.* of *October*, the day appointed for the Surprizal of the Caſtle of *Dublin*, and had by the latter end of the ſame Month gotten into their poſſeſſion all the Towns, Forts, Caſtles, and Gentlemens Houſes, within the Counties of *Tyrone*, *Donegall*, *Fermanagh*, *Armagh*, *Cavan*, *London Derry*, *Monaghan*, and half the County of *Down*, excepted the Cities of *London-Derry*, and *Coleraign*, the Town and Caſtle of *Eniskillin*, and ſome other places and Caſtles which were for the preſent gallantly defended by the *Britiſh* undertakers; though afterwards for want of relief Surrendred into their hands.

The greater part of *Ulſter*, poſſeſſed by the *Northern* Rebels.

The preteniions made uſe of by the *Iriſh*, as the grounds and occaſions of this their *Rebellion*, will beſt appear by their *Remonſtrances*, delivered by the Lord Viſcount *Gormondſtown*, Sir *Lucas Dillon* Knight, Sir *Rob. Talbot* Baronet, and *John Walſh* Eſquire, to the Earl of St. *Albane* and *Clanrickard*, the Earl of *Roſcommon*, and other His Majeſties Commiſſioners at *Trim*, the 17 *March* 1642, to be preſented to His Majeſty; and Printed at *Waterford*, by *Tho. Bourk* Printer to *the Confederate Catholicks* of *Ireland* about Nine Months after: whereby it then coming to the knowledge of the Proteſtants, they drew up an *Anſwer* as large thereunto; which was afterwards likewiſe *preſented to His Majeſty*, and Printed together, with the ſaid *Iriſh* Remonſtrance. The *whole* is well worth Reading, but being *very long*, I ſhall here inſert the *ſubſtance* of the moſt material points inſiſted upon and alledged on either ſide: becauſe tho preſented ſo long afterwards, yet the greateſt part thereof relates to the beginning and firſt proceedings of this Rebellion.

The pretenſions of the *Iriſh* for their Rebellion.

A Breviate of the Rebells Remonſtrance and the Proſtants Anſwer thereunto.

The *Title* and *Preface* of the Rebells *Remonſtrance*.

A Remonſtrance of Grievances preſented to his moſt Excellent Majeſty, in the behalf of the Catholicks in *Ireland*: March, 17. 1642.

To the Kings moſt Excellent Majeſty,

Moſt Gracious Soveraign,

Preface to the Rebels Remonſtrance.

WE *Your Majeſties moſt Dutiful and* Loyal *Subjects the* Catholicks, *of your Highneſs Kingdom of* Ireland, *being* Neceſſitated to take Arms

An. 1642. *for the* Preſervation of our Religion, *the maintainance of your* Majeſties Rights and Prerogatives; *the Natural and juſt* Defence of our Lives *and Eſtates, and the Liberties of our Country. Have often ſince the beginning of theſe Troubles attempted to preſent our* humble Complaints *unto your Royal view, but were* fruſtrated *of our hopes therein, by the Power and Vigilancy of* our Adverſaries. *(The now Lords-Juſtices, and other Miniſters of State in this Kingdom) Who by the Aſſiſtance of the* Malignant Party *in* England, *now in Arms againſt your Royal Perſon (with leſs difficulty to attain the bad ends they propoſed to themſelves, of* Extirpating our Religion and Nation) *hitherto debarr'd us of any* Acceſs *to your Majeſties Juſtice; which occaſioned the Effuſion of much* Innocent Blood, *and other miſchiefs in this your Kingdom, that otherwiſe might well be prevented. And whereas of late, Notice was ſent unto us of a Commiſſion, Granted by your Majeſty, to the Right Honourable the Lord Marqueſs of* Ormond, *and others: Authoriſing them to hear what we ſhall* ſay *or* propound; *and the ſame to Tranſmit unto your Majeſty in Writing, which your Majeſties Gracious and Princely Favour, we find to be accompanied with theſe words,* viz. [Albeit we do extreamly deteſt the Odious Rebellion, which the Recuſants of *Ireland* have without ground or Colour raiſed againſt Us, our Crown and Dignity] *Which words we do in all Humility conceive to have proceeded from the Miſrepreſentations of our Adverſaries: And therefore do proteſt, we have been therein maliciouſly Traduced to your Majeſty, having never entertained* any Rebellious Thought *againſt your Majeſty, your Crown or Dignity; but always have been, and ever will continue your Majeſties moſt Faithful and* Loyal Subjects; *and do moſt humbly beſeech your Majeſties ſo to* own *and* avow *us, and as ſuch we preſent unto your Majeſty theſe enſuing* Grievances, *and Cauſes of the preſent Diſtempers.*

The *Proteſtants* Anſwer begins thus:

To the Kings Moſt Excellent Majeſty,

The Preface to the Proteſtants Anſwer.

YOUR Majeſties moſt Loyal and Obedient Proteſtant Subjects of Ireland *groaning under the heavy preſſures of the Confederate Roman Catholicks of* Ireland; *who to add to all their other Injuries have Printed a Book Intituled. A Remonſtrance, delivered by the Lord Viſcount* Gormandſtowne, *and others authoriſed, by the ſaid Confederate Catholicks; to your Majeſties Commiſſioners at* Tryne, *the 17th of* March, 1642. *(Which came not to the knowledge of your Majeſties Proteſtant Subjects of* Ireland *till of late) wherein they have endeavoured by Confounding of times, and by other ſubtile Conveyances to put a ſhew of Reaſon upon their wicked and unnatural Acts. We therefore beſeech your moſt Sacred Majeſty, to caſt your Eye upon the enſuing Collection, of ſome paſſages and unknown Truths, wherein will appear part of the Grievances of your Majeſties ſaid Proteſtant Subjects; and part of the many Untruths and Scandalous Aſperſions, by the ſaid Remonſtrants, caſt upon your Majeſties Gracious Government, and upon your ſaid Proteſtants.——Then they proceed to their Anſwer.*

Firſt to the PREFACE.

Their Anſwer to the Rebels Preface.

THEY ſay, That the Remonſtrants were no way neceſſitated to take Arms for the Preſervation of their Religion: For which, long time before their taking Arms, they were *not troubled,* Nor ſo much as Queſtioned: Nor for maintainance of your Majeſties Rights and Prerogatives; there being no *opponents* in the Kingdom of *Ireland* in that matter; except the Remonſtrants themſelves: And how well they maintain your Majeſties Rights, appears by their having poſſeſſed themſelves of almoſt all your *Revenues,* and as well as the Eſtates of your Proteſtant Subjects:

17 *Caroli*

jects: Their aſſuming, and exerciſing a *Papal Juriſdiction* in the Church, and a Tyranical Power in the Commonwealth: Their Publiſhing *new Laws*, Coyning of *Money*, erecting *Courts*, ordaining *Magiſtrates*, puniſhing with Death, and Pardoning at their pleaſure; Treating with Forreign States, entertaining a *Nuncio* from the Pope, and two Agents from *France* and *Spain*: And in a word, to exclude all your Majeſties Prerogatives, Rights and Authorities; They have Publiſhed an *Act* in Print, that no *Imperial* Government, or Juriſdiction ſhall be aſſumed kept or exerciſed in that Kingdom, other than what is approved, or inſtituted by their *General Aſſembly*.

Neither were they neceſſiated to take up Arms for the Defence of their *Lives*, Eſtates and Liberties; They being in no fear of any of them by any Violence or Illegality, ſo much as offered or intended by your Majeſties Governours or Proteſtant Subjects: who never at any time ſince the Reformation of Religion, offered any violence againſt the Perſon or Eſtate of any Papiſt, *Quatenus a Papiſt*, nor otherwiſe, except in Caſe of *Rebellion*.

Touching hindring them from *Offering their Complaints* to your Majeſty there is no truth in that ſuggeſtion: The Lords Juſtices and Counſel have not concealed any thing that came from them, but furthered the ſame to your Majeſties View or knowledge; as the Propoſitions of the Rebels of *Caran*, Nov. 6. 1641. The Letters and deſires of the Lords of the *Pale*, *Decemb.* 1641. &c. Nor indeed had they any *Colour of Complaint*, the Cauſe of Grief being intirely on *our ſide*. And at the beginning of this Rebellion, they had leſs reaſon than ever, having lately received ſo much *Grace* and ſatisfaction in all their pretended Grievances.

As to the Effuſion of *Innocent Blood*, tis well if now they begin to be ſenſible thereof, whereof indeed themſelves *only* are Guilty; As will appear by diſtinguiſhing the times which they cauſeleſly Confound. Your Majeſties Subjects being in *full Peace*, truſting only to the Protection of the Laws, theſe Confederates did ſuddenly and *Treacherouſly* aſſault, and by ſundry kinds of Tormenting Deaths; *Murther ſome Hundred Thouſands* of your harmleſs Proteſtant Subjects; deſpoiling both them and all the reſt of their Eſtates, and openly Profeſſing to Extirpate all *Britiſh*, and Proteſtants. All which time neither your Majeſties Governours, nor your ſurpriſed Subjects, were able to make any conſiderable reſiſtance: And when Forces out of *England*, and your Majeſties Authority enabled them to ſtand on their Defence, and take *due Vengeance* on their unparalell'd Wickedneſs: No Man, no not the Confederates in their own Conſciences, can juſtly Charge your Majeſties Governours or Proteſtant Subjects with *Blood undeſervedly ſhed*. But the Confederates ought to bewail the Blood of your Majeſties Officers and Servants; fighting in the juſt Quarrel, as an *Addition* of Weight to their former Guilt. The rather becauſe they ſlighted all overtures; As your Majeſties Proclamation, under your Royal Signature and Privy Signet, commanding them to lay down their Arms, your Majeſties Governours Proclamation, *Nov.* 1. 1641. promiſing *Mercy to all that ſhould deſiſt from Force*: And *tore* both the Order of Parliament, and the Letters of the Commitee, ſent to them from *Drogheda*; and abuſed certain of their own Clergy ſent to Treat with and perſwade them. Yet ſtill your Majeſties Governours did the utmoſt to reduce them to Obedience, by appointing the Lord *Moor* and others, and afterwards Sir *Rich. Barnwell*, and *Patrick Barnwell*, to treat and perſwade with them to come and ſubmit their Diſcontents to your Majeſties known Clemency, And (which gives further Evidence of your Majeſties Servants and Subjects Peaceable Inclinations) the Juſtices and Council, granting Commiſſions to divers Lords and prime Gentry of the Natives in the *Pale* to Leavy Forces, did withal Authoriſe them to *Parley with the Rebels*, and protect, and *promiſe mercy* to all that would re-

An. 1641. turn to their Obedience; which Commiſſions, even to many of the *Remonſtrants* themſelves, were Iſſued after the 23*d.* of *Octob.* and before the laſt of *Nov.* 1641. In all which time, or afterwards, they might have ſtay'd the ſpreading of the Rebellion, if *promiſe of Mercy* would have done it But they not only forbore to *reduce* any, but ſoon after *joined themſelves* to the Rebels.

As to their undutiful Challenge to the deeply merited Expreſſions in Your Majeſties Commiſſion, we cannot obſerve their preſumption without *Grief of Heart*, but in all humility leave the ſame to Your Majeſties moſt diſcerning Judgment, not believing that any of your Governours, or Proteſtant Subjects, have ever repreſented thoſe Confederates to Your Majeſty otherwiſe than *Truth* and their Duty required.

The Subſtance of the Articles of the Rebels Remonſtrance.

The Rebels. I. Article. *That the Catholicks of* Ireland, *ſince the Second year of Queen* Elizabeth *are made incapable of Places of Honour and Truſt, their Nobles becoming contemptible, their Gentry debarr'd the Univerſities and Schools. their Younger Brothers put by all imployment at home, and forced to ſeek their Education and Fortune abroad*

The Effect of the Proteſtants Anſwer.

Anſwer. This is Generally *untrue*, for after that Statute Noblemen many of the old Engliſh were made *Privy Counſellours*; and ten ſeveral *Judges* of that birth and education poſſeſſed ſucceſſively the prime Places of all the Benches of Law. Upon the death of Sir *John Plunket* Chief Juſtice of the Kings Bench about the 29. *Eliz.* Sir *Robert Gardiner* ſucceeding was the *firſt Engliſh Judge* ſent into that Kingdom in many years before, The Noblemen and other Natives of fit capacity and breeding, in that Queens time, and ever ſince, have been truſted and imployed in all Commiſſions from the Courts or otherwiſe, in equal degree with Proteſtants. Their Gentry appointed *Sheriffs*, *Juſtices*, chief Officers and Judges in Corporations; their *Lawyers*, notwithſtanding difference in Religion, are and have been *admitted to the Bar*; many of their prime Gentry have by your Majeſty and your bleſſed Father been dignified with the Titles of *Baronets* and *Knights*: Many of that Nation after the ſaid Statute continued *Biſhops* and other Dignitaries in the Church: Their Nobles have been graced by your Majeſty and your Governours with all reſpects of Honour and Priviledge any way due to them, and no way leſs than the *Proteſtants* have been. Their Children (tho themſelves and their Parents Papiſts) have been freely admitted into all *publick Schools* without Queſtion of Religion; nor can it be inſtanced, that *any* were ever refuſed to be admitted into the *Colledge at Dublin*, if they would conform to the *Statutes* hereof, and to the *Laws* of the Land, with which *latter* they were not preſſed till they come to be *Graduates*, and 'tis well known that as well from that *Univerſity*, as from the *Inns of Court* in *England*, many of them have gained great *Learning* and Knowledge, now imployed to the extream *Annoyance* and harm of your Majeſty and your Kingdom.

II. Article. *That Catholicks being thus excluded for their Religion; Men of* mean quality *were imployed in places of Honour and Truſt, who being to* begin a Fortune, *built it on the Ruines of the* Catholick Natives; *againſt whom they raiſed falſe and malicious Suggeſtions, to render them ſuſpected and odious in* England, *whence all the* Graces *and Favours intended unto them have been oppoſed.* Falſe Inquiſitions *upon feigned Titles to their Eſtates have been procured.* Letters Patents

(150 *in one Morning*) *have been diſallow'd and avoided, to the Ruine of the ſaid Catholicks.* 17 *Caroli.*

Anſwer.

1. This is a great *ſcandal to your Majeſty* and your glorious Predeceſſors, taxing you with want of Love and Care of your Subjects, by placing ſuch *unfit* Governors and Officers; whereas 'tis well known, there have been ſent thither to govern, *Earls, Barons,* and others of noble Extraction and plentiful Eſtates, and when *Juſtices* were appointed, they were ſometimes *Noblemen,* and always Perſons of the *beſt Rank* and Ability, ſo far from *building Fortunes,* that ſome have been much damnified by their Imployment there.

2. 'Tis manifeſt, that of 21 *Lieutenants, Deputies* and *Juſtices* ſucceſſively, and 30 *Privy Counſellors,* 12 prime *Judges,* and ſeveral inferior Judges ſent out of *England,* ſince the ſaid Statute 2. *Eliz.* No *one* of them hath left any Eſtate there, nor were enriched by that Service; and though ſome others (and not many) left Eſtates, it was for the moſt part by the *Bounty of the Crown,* and very few or none by *Purchaſe,* except the Earl of *Strafford*; whereas on the other ſide of 11 prime Judges, and many inferior Judges *of Iriſh birth* ſince that time, *every one* of them left viſible and valuable Eſtates, equal at leaſt to the prime Gentry, and ſeveral of them, or their poſterity ſince advanced to *Titles of Honour* by your Majeſty or Royal Anceſtors.

3. Touching *falſe Inquiſitions,* &c. It is a feigned and ſcandalous Information, for when any particular Inquiſitions were found either for *Tenures* or *Titles,* no Traverſes or Petitions of Right, as far as Law would allow, were ever deny'd, *&c.*

That divers Graces *and Favours granted by King* James *by Commiſſions and Letters Patents, and by your Majeſty in he* 4th *Year of your Reign, have by the immortal hatred of ſome Miniſters of State,* (*eſpecially Sir* William Parſons) *to make, themſelves greater and richer by the total Ruine and Extirpation of the* Iriſh, *been violated and made unprofitable.* III. Article.

Anſwer.

Theſe *Graces* and Favther of your Majeſty and your bleſſed Favour extended to them, ſhould have wrought Love, Obedience and Gratitude to your Majeſty and your Miniſters; who have moſt willingly extended the ſame as far as was poſſible, or might any way ſtand with your Majeſty's Service, and the Happineſs of the Kingdom. And if *particulars* may come to an exact Examination, it will be moſt clear, That the Officers in the Articles charged, have done more for the general Peace and Proſperity of the Kingdom, than any of theſe Remonſtrantes ever offered, or could do; and would they but have concurred with, or connived at their practiſes for ſetting up *Popery,* and the diminution of your Majeſty's *Rights and Profits* (to which end moſt of their pretended Grievances and Complaints are deviſed) they might have enjoy'd their more tollerable Reports and Approbation; however your *innocent Proteſtant Subjects* could be no way guilty of the pretended Misbehaviours of your *Governors* and Miniſters, if any ſuch had been.

The Illegal Arbitrary Proceedings of Sir Willam Parſons, *&c. in the* Court of Wards, *whereby the Heirs of Catholicks were tyrannically deſtroy'd in their Eſtates,* &c. IV. Article.

Anſwer.

The Parts of this Article conſiſting of Generals are untrue, deviſed to Traduce your Majeſty's gracious Government [*This they demonſtrate by an Enumeration of the juſt and kind Proceedings of that Court, and conclude with theſe*

An. 1641. *theſe words*] But when theſe Confederates have ſummoned their Inventions to defame that neceſſary and orderly Court, they forbear to expreſs the true Grounds of their Grievances, which are, 1. The Education of the *Wards* as well in *Civility* as true *Proteſtant* Religion, and other good literature, which they generally abhor. 2*ly*. That the Uncles and Friends might not freely take into their hands the Childrens *Evidences*, *Lands*, *Rents* and *Goods*, and waſt them without Account, as formerly; 3*ly*. Becauſe the juſt and legal *dependancy* of the Gentry, is rightly ſettled in your Majeſty, wherof the *Iriſh* Lords and Cheftains did heretofore unjuſtly deprive your Majeſty, and ſo labour ſtill to do; *Laſtly*, Becauſe by the Bleſſing of peace and good order your Majeſty's Rights, Intereſts, and juſt Profits were by your Judges and Officers more carefully inſpected and levyed.

V. Article. *That the Catholicks notwithſtanding theſe preſſures, did readily contribute to all* Subſidies, *&c. granted ſince the beginning of your Reign, amounting to near one Million of* Pounds, *and though they were the* moſt forward *in granting the ſame, and did bear* nine parts of ten *in the payment, yet their Adverſaries aſſumed to themſelves to be the* procurers *thereof, and repreſented the Catholicks as refractory.*

Anſwer. 1. Whatever their *Gifts* were, they did but their Duties, as a part of Retribution for the Graces your Majeſty beſtowed on them; Nor was your Majeſty ever the richer, being all disburs'd amongſt themſelves; partly to pay the old Army, and for the greater part on the new Army which moſtly conſiſted of themſelves,

'Tis moſt untrue that either they were the *moſt forward* in Parliament to grant Contributions, or paid ſuch *large quantities* thereof; For as to the Contribution towards maintainance of the Army, your Majeſty's Proteſtant Officers were the firſt movers thereof, and theſe Remonſtrants, the main *Oppoſers*, as doubtleſs your Majeſty may remember; and by the *Rolls* extant it appears your Proteſtant Subjects paid a *third part of the whole*, though neither the quantity nor quality of their Lands amount to more than a fifth part of the Kingdom; And ſuch have been always their affections to the Crown, that would the Remonſtrants really perform the like, there need *no Forces* to maintain Peace, but the Bounties of your People might come *intire* to your Coffers.

VI. Article. *THE* Army *raiſed here for your Majeſties Service was* Disbanded, *by the importunity of the malignant Party in* England, *alledging the ſame was* Popiſh *and not fit to be truſted. And tho there were an unexcmpled Invaſion made by the malignant party of the Parliament of* England, *on your Majeſties Honour, Rights, Prerogatives, and principal Flowers of your Crown. Tho Sir* W. Parſons, *Sir* Adam Loftus, *&c. Declared,* 10000. Scots *were to arrive in this Kingdom to force the* Catholicks to change their Religion. *And that* Ireland *would never do well without a* Rebellion, *that the Natives might be* Extirpated; *and wagers laid at General Aſſizes, That within* one Year, not one Catholick ſhould be left in Ireland. *Tho they ſaw the Priviledges of the Parliament of* Ireland *incroached upon by that of* England, *in ſending for its Members, and that it was declared, that* Ireland was bound by Statutes made in *England*, if named, *contrary to the known Truth, and the Laws ſettled here for* 400. *Years. And tho they were informed of the* Proteſtation *made by both Houſes in* England, *againſt* Catholicks, *and the cruel Execution of* Prieſts *there, only for being Prieſts, and that your Majeſties Mercy and Power would not prevail to ſave the Life of* one Condemned Prieſt; *yet did they not take up* Defenſive Arms *much leſs Offenſive; ſtill expecting your Majeſty might in time be able to apply Remedies to theſe Evils.* 1. The

17 *Caroli*

Answer.

1. The Lords Juſtices and Council went not to *Diſband* the Army till *Commanded* by Your Majeſties Warrant, and it was of *abſolute Neceſſity* to do it, having ſpent all their Victuals, nor was the Kingdom in a peaceable way able to maintain ſuch an Army as the now Remonſtrants themſelves openly profeſs'd in this Parliament. But the reaſon they ſo diſtaſte that Diſbanding was, becauſe thereby diſappointed, of ſuch *an help* to execute their *Bloody deſign* on your *Britiſh* Proteſtant Subjects, which was conſented unto by many of theſe Remonſtrants, Members of both Houſes, in the *May* Seſſion of Parliament, before, as was declared, by *Hugh Mac Mahon*, upon his Examination. Theſe Remonſtrants well knowing, that the greateſt part of that Army, as well common *Souldiers* as *Commanders*, were ready to be imploy'd in that Exploit, as ſince more fully appear'd. And for the ſame reaſon they endeavour'd to *ſtay* them from being ſent over Sea into the Service of other Princes. And in the ſame Seſſion, under pretence that the Lord *Strafford*'s Servants had laid *Gun powder* under the Parliament-Houſe, to Blow them all up, got a *Committee*, whereof *Macguire*, a chief Conſpirator, was one, and moſt *buſie* to ſearch for the ſaid *Powder*; which was on purpoſe to ſee *what Arms* were brought in (that being a place where Arms had been kept in former times) and finding *none* there, petitioned the L. Juſtices to ſee the Stores of Powder and Arms in other parts, in or about the Caſtle, which they refuſed to admit.

A ſearch for Gun powder pretended before the Rebellion, to ſee what ſtore of Arms and Ammunition the Proteſtants had.

2. As to the bringing *in* 10000 *Scots*, and *Extirpating the Natives*, 'tis no wonder, that thoſe Remonſtrants, in whoſe Brains Extirpation of *Britiſh* and *Proteſtants* did ſo much run, ſhould fancy ſuch thoughts in other men, as one excuſe for their own evil Intents,

3. But that the perſons named ſhould declare or adviſe ſuch an Act to diſturb that Kingdom, where there ſubſiſtence is, and where their *own Children* are *match'd to Natives*, no wiſe man can believe.

4. The ſtory of the *Wagers* is only this, At *Wexford* Aſſizes, a little before the Rebellion, a Proteſtant and a Papiſt having ſome diſcourſe at the Sheriffs Table, the Papiſt ſaid, *He would never go to Church*: To which the Proteſtant merrily anſwer'd, *I will give you* 5 l. *and you ſhall give me* 50 l. *for it, if you come not to Church before this time Twelve-month.* The dull Papiſt ſeeming ſtartled, was earneſt to underſtand the myſtery of ſuch a Wager, which at laſt the other unfolded, to the diverſion of the whole Table; and here is one ground on which theſe Remonſtrants pretend to found their Bloody Maſſacre.

5. What the Parliament of *England* might pretend, the Proteſtants in *Ireland* are ſtrangers unto; but it cannot be believed, that theſe Remonſtrants could be truly informed of any *Proteſtation* made by, or intention in the ſaid *Engliſh* Parliament, to Extirpate their Religion, before they entred into this *Rebellion*.

6. Whether Laws made in *England*, will *bind in Ireland*, if *Ireland* named, is a point concerns the *Proteſtants* of *Ireland* as much as *Papiſts*, and being only talk'd of, might more fitly have been diſputed in Civil Aſſemblies, than by *Arms* and open Hoſtility againſt Your Majeſty, and the Reſolution written in the Blood of ſo many Thouſand Proteſtants.

7. Touching the *Engliſh* Parliaments encroaching on that of *Ireland*, they do well now to crowd it amongſt the reſt of their pretexts; but when Proteſtant Members of this Parliament (againſt whom that pretended encroachment moſt extended) were ſent for, they addreſſing to the Parliament to defend them and their Priviledges, were anſwered by a leading Member, now a *Remonſtrant*, That *the Houſe ſhould do well not to take notice of it, leſt variance ſhould ariſe between the two Parliaments*, ſo unwilling were they then to *maintain*, what they now ſo ſtoutly challenge. That

An. 1641.
VII. Article.

That Committes *having attended your Majeſty for redreſs of Grievances, the Lords Juſtices and Council endeavoured to hinder the ſame; And when granted, to prevent their being paſſed into* Acts of Parliament, *cauſed* private meetings *to be of Members of the Houſe of Commons, to raiſe diſtinction of Nation and Religion; whereby a* Faction *was made, and the publick Service diſturb'd, and on the* 7th. *of* Auguſt *Adjourned the Parliament, whereby thoſe Graces would not (according to your Majeſties Intentions and your Subjects expectation) then paſs as* Acts of Parliament. *And when the ſaid Committees returned to* Dublin, *the ſaid Juſtices would not acquaint the people with the* Graces *your Majeſty had by them ſent over.*

Anſwer.

1. Deny that ever they endeavour'd to *obſtruct* the Redreſs of Grievances, but affirm there were Daily and Nightly *private Meetings* of the *Remonſtrants*, Members of Parliament, to the great prejudice of the publick Affairs, but the Proteſtants did forbear ſuch Meetings, leſt it ſhould give ſuſpicion of *ſiding*, or Animoſities, till hearing that the now Remonſtrants intended to *Impeach* divers of Your Majeſties principal Officers (who could not be drawn from their Juſt Duty to Your Majeſty and your Rights) and others who had labour'd to clear Your Majeſties Title to the Lands in *Connaught*; the ſaid Proteſtants *then* (and not before) to be in ſome meaſure prepared to free themſelves, and the Houſe, from thoſe unreaſonable attempts, did *once* (and no more) meet, but agreed on nothing that ever gave offence, or Juſt diſtaſte to the *Houſe*, or any Member thereof.

2. That the L. Juſtices finding nothing of moment for the General Good, or Your Majeſties Service, before the Parliament thought of an *Adjournment*, the rather becauſe *Harveſt* grew on, and the Houſes grew thin, many Members being already gone home; and both Lords and Commons agreed to Adjourn on *Saturday* the *7th.* of *Aug.* the rather becauſe, by a Letter receiv'd *Aug* 6. from the *Committee* in *England*, they found no cauſe to expect the *Bill* deſired, in a ſhort time, the ſaid Committee being ſtill at *London* undiſpatch'd.

3. The Lords Juſtices, as ſoon as notice of Your Majeſties *Conceſſions* and Favours to the ſaid Committee arriv'd, were ſo far from concealing them, that they did, *de Facto*, ſend Briefs to all the Ports of the Kingdom concerning the *Cuſtoms*, publiſh'd Proclamations for the ſending away of *Wool*, and Warrants for the free Entries of *Tobacco*, &c,

8. Article.

That Petitions *contrived by the Advice of Sir* William Parſons, *&c. Signed by many Thouſands of the malignant party in* Dublin, Ulſter, *and other parts, and directed to the Commons Houſe in* England, *were read at the Aſſizes and other publick places, containing matters deſtructive to the* Catholicks *Religion Lives and Eſtates. And alſo they heard of an Order in the ſaid Commons Houſe in* England, *againſt* bowing unto the name of JESUS, *and that the ſaid malignant Party did Plot to* Extinguiſh their Religion and Nation. *This made ſome Catholicks conſider the deſperate Condition they were in by a Statute of the* 2*d.* Eliz. *(never excuted in her time, nor diſcovered till moſt of the Members of that Parliament were dead) whereby no Catholick would enjoy his* Life, Liberty, or Eſtate, *if the ſame were excuteed; which nothing hindred, but your Majeſties Preroſtative; which being endeavoured to be taken away, then the Plot of Deſtruction by an Army out of* Scotland, *and another out of* England *muſt be Executed.*

The fears of thoſe Twofold Deſtructions, did neceſſitate *ſome Catholicks in the* North, *about the* 22. Octob. 1641. *To take Arms in maintainance of their Religion, your Majeſties* Rights, *and the preſervation of Life,*

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Life, Eſtate, and Liberty; and immediately took a Solemn Oath, *and ſent ſeveral Declarations to the Council, deſiring they might* be heard in Parliament. *But all was ſlighted by the Lords Juſtices, who on the* 23. Octob. *publiſhed a Proclamation, accuſing* all the Catholicks of *Ireland* of Diſloyalty, *and Prorogued the Parliament, and tho they afterwards ſuffered them to ſit two days; yet it was under the* awe *of Armed men, who were directed to* Shoot them as they came out *of the Parliament Houſe if they did not Comply, and by theſe Terrors prevailed with them to paſs an Order, That the* ſaid Diſcontented Gentlemen took Arms in a Rebellious manner.

Yet Notwithſtanding all theſe Provocations *and preſſures; the far* greater *and more Conſiderable Party of the Catholicks, and all the* Cities *and Corporations of* Ireland, *and whole Provinces* ſtood quiet *in their Houſes. Whereupon the Lords Juſtices knowing that many powerful Members of the Parliament of* England *ſtood in oppoſition to your Majeſty, made their principal Application to them, and propounded unto them to ſend* Forces to Conquer the Kingdom.

The malignant Party here were Armed, *the Catholicks denied Arms and Diſarmed; and the Lords Juſtices having received an Order of the Parliament in* England *to Proclaim Pardon to all that were then in Rebellion (as they term'd it) publiſhed it but in two Counties, and with a very ſhort day prefixt, and an Exception of all* Freeholders, *through which every one ſaw, that the* Eſtates *of Catholicks were firſt aimed at, and next their* Lives.

Next they Commanded Sir Charles Coot *to march into* Wicklowe, *where he* Burnt, Kill'd, *and* Deſtroyed *all in his way, Man, Woman, and Child. Soon after ſome Foot Companies marched by direction of the ſaid Juſtices by Night unto* Sawntry, *Three Miles off* Dublin, *where Innocent Husbandmen, ſome being Catholicks, others Proteſtants took for Catholicks, were murthered in their Inn.*

Whereupon ſome Gentlemen of Quality fearing all to be murthered, *were conſtrained to ſtand together in their* own Defence; *who were ſummoned in by a Proclamation of the* 13th. *to come in by the* 18th, *of* Decemb. 1641. *and another Proclamation Summoned the Lords of the* Engliſh Pale, *to a Grand Counſel on the* 17th *of the ſame month. But to prevent all Accomodation, the ſaid Juſtices directed Sir* Charles Coot, *on the* 15th. Decemb. *to march to* Clantarff, *the Houſe and Town of* George King *(one of the Gentlemen Summoned) to pillage, burn and deſtroy all that was there to be found: Which was executed accordingly in manifeſt breach of publick Faith; whereby the ſaid Meeting or Grand Council was directed, the ſaid Lords and Gentlemen not daring to come within the power of ſuch notorious* Faith-breakers.

The Conſideration whereof made thoſe of the Engliſh Pale, *put themſelves in a poſture of Defence.*

Anſwer.

1. As to *Petitions* contrived by the Perſons named, ſigned by Thouſands, *&c.* 'tis utterly falſe. If ſo many ſigned them, 'tis ſtrange *no Copy*, can be produced. But the occaſion of this Fiction was only this, in *Aug.* 1641. the Lords Juſtices had notice that in the County of *Tyrone*, there was a Petition framed (as afterwards appeared) by ſome Proteſtants in *Dublin*, carried up and down to gather hands, and not knowing what it was, did by their Letter require the Biſhop of *Clogher* to take that Petition, and carry it to the Judges of Aſſize, that they might proceed therein according to Law, and then ſend it up to the Council; which was done. Which Petition containeth no matter *deſtructive of Catholicks* but rather lays accuſations of ſome Diſorders and Remiſneſs in the Proteſtant Clergy.

2. There was nothing deſigned againſt theſe Remonſtrants in the Parliament of *England*, till they had declared themſelves in *horrid Rebellion*, and maſſacred and ſpoiled your Majeſties peaceable and conformable *Britiſh* Proteſtant Subjects.

An. 1641.

3. As to the dreadful *Stat.* of 2: *Eliz.* 'tis ſuppoſed they mean the *firſt Chapter*, for it was made to Repeal the *Statutes* made by Q. *Mary*, and to reſtore to the Crown *Eccleſiaſtick Juriſdiction*, and puniſh ſuch as maintain any Forreign Juriſdiction. Or elſe the 2. *Ch.* which ſettles the Book of *Common Prayer*, and requires all to come to Church on a ſmall *pecuniary mulct*. Now as theſe two were no ſuch *concealed Laws* as they pretend, ſo the *firſt* mitigates the Common Law, making that Treaſon only for the *Third* offence, which was ſo for the *firſt*; and in the ſecond there is nothing that can deſtroy any mans *Life* or *eſtate*, And theſe Laws have been in Force *Fourſcore* Years, and no man loſt his Life or Eſtate on either of them; nor *Liberty* for any long time. Yet theſe Remonſtrants from this, and the other *wild Fiction* of 10000. *Scots* (*then*, not ſo much as thought of, to come thither, but long after agreed on by your Majeſty to be ſent to proſecute theſe Rebels) take the boldneſs to avow the Acts of the *Northern* Rebels, 23. *Octob.* 1641. As neceſſitated thereunto for maintainance of *Religion*, and your Majeſties *Rights*, which none there ever Impeached, except themſelves. Nor were there any ſuch Declarations ſent by them to the Lords Juſtices deſiring to be heard in Parliament. As they falſly pretend.

4. The Proclamation, 23. *Octob.* was to publiſh the Diſcovery of the Conſpiracy of *ſome ill affected* Iriſh Papiſts. and make known the Preſervation of *Dublin*; and when the old *Engliſh* took offence at the words *Iriſh Papiſts*, the Juſtices to give them no umbrage of Diſcontent, by a ſecond Proclamation declare, That thereby they mean only the meer *old Iriſh in Ulſter*, and none of the old *Engliſh* of the *Pale*, or other parts.

5. The *Prorogation* of the Parliament proceeded from the neceſſity of the time, many Members being then in *Rebellion*, many *Slain*, and *Hanged* by the Rebels' ſome *Impriſoned*, ſome *Beſieged* by them. But to avoid diſputes of the Legality of a Prorogation by Proclamation, it was agreed ſuch as could, ſhould meet and ſit for a day or two to make ſome publick Declaration of their Loyalty, which being done, and all their requeſts granted by the Juſtices and Council, they were Prorogued to the 11*th*, of *January*. That they were under any *Force* is a meer Fiction 'tis true, there were *Armed men*, but 'twas only for preſervation of the Caſtle againſt the Remonſtrants wicked and bloody Confederates: Nor could any *Members* thence take the leaſt apprehenſion of *Terror*, if ſome inward *Guilt* did not beget in them a Jealouſie of what was never intended or thought of.

6. Whereas the Remonſtrants ſay that at the time of that Seſſion, *viz.* Nov. 17. all the *Cities and Corporations* and whole Provinces ſtood *quiet*. *Hugh Mac Mahon* on his Examination, 23. *Octob.* declared, That he and the reſt were well aſſured none of *all the ſtrong Towns* in the Kingdom (if they had taken *Dublin*) would have oppoſed them. And accordingly they have joyn'd with them, except ſome very few where your Majeſties Forces lay, and except the Proteſtant Towns [*And here, by divers Arguments, they prove the Conſpiracy was GENERAL*]

7. As at the breaking out of this Rebellion there was not known any *difference* between your Majeſty and your Parliament in *England*; ſo did not the Juſtices firſt Addreſs their Advertiſement to that Parliament. But to Your Majeſty on *Octob.* 25. and to your Lieutenant of that Kingdom; and on *Nov.* 5. to your Council, and underſtanding your Majeſty had Communicated it to the ſaid Parliament, They then and not before writ to *both Houſes*.

8. Many *Roman Catholicks* as well as Proteſtants were at firſt Liſted and *Armed*, and Arms and Ammunition delivered by the Lords Juſtices to them, as far as poſſibly could be ſpared. And particularly they delivered Arms

and

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and Ammunition for 1700. to the five Counties *of the Pale* for their Defence; ſome of which on notice of the Defection of thoſe intruſted with them, were recovered and brought back, and the reſt employ'd by the Confederates to fight againſt your Majeſty and your Armies. And the Catholicks in *Dublin* were not Diſarmed, till moſt of the *Pale* were in open Rebellion.

9. The Lords Juſtices did forthwith after Receipt of the Order of the Parliament of *England* for offer of *Pardon*, viz. *Nov.* 12. 1641. cauſe it to be Printed and diſperſed as far as they could. Nor did they aim at any of their *Eſtates*, but ſhewed much Regret at the Defection of the *Pale*, and how willing they were to preſerve as many of them as they could, appears by their readineſs to Embrace the *Earl of Weſtmeath* and his Family, tho they had Intelligence of *Northern* Rebels reſorting to his houſe. Their permitting Sir *Morgan Cavanaughs* return to his houſe, on his falſe proteſtations, tho they had cauſe to ſuſpect his, and his Sons coming to Town, juſt on the 22. *Octob.* 1641. &c.

10. Sir *Carles Coot*, on the 17. *Nov.* 1641. ſet forth with a ſmall Force to relieve your Majeſties Caſtle of *Wickloe*, and another Caſtle both Beſieged by Rebels. All the *Iriſh* of that County having many days before riſen in open Rebellion, *ſeized* your Majeſties Forts and all the Houſes of the *Engliſh*, *robb'd* all the *Britiſh* Proteſtants, threatned to Aſſault *Dublin*, and robb'd within two Miles of it. He had alſo direction to *Kill and Spoil* thoſe Rebels by Fire and Sword as far as he could, but there died not above Thirteen men by his Command; proved to have Committed the ſame Rebellious Acts, and ſuch as fought with him in open Field with Banners diſplayed. Which Expedition could not affright *thoſe of the Pale*, being principally intended to prevent the Rebels from making Incurſions and Spoils upon them.

11. The Buſineſs at *Santry* was this. One *Derrick Hubbert* a Proteſtant Gentleman was Murdered in his own Houſe, in the County of *Dublin*, (about 10 miles from the City) and ſome others of his Family; on the 5*th* of *December* 1641. one comes to a Lieutenant in *Dublin*, and tells him, he could bring him upon ſome of thoſe that committed *theſe Murders*. The Lieutenant with allowance of his *Captain*, without the command or privity of the Lords Juſtices, or any of the Council, took with him 40 Soldiers that night in purſuit of thoſe Murderers and other Malefactors, and coming to *Santry*, found four perſons lately come thither with ſuch *Arms* as they could get in the Country, and who, (he was informed) were Offenders, and ſo he *ſlew* them; and paſs'd further into the Country in ſearch of the reſt of the Malefactors, but could not find them; the Lords Juſtices and Counſel hearing next day of this raſh Act, ſent for the ſaid Lieutenant, who juſtified what he had done, affirming them to be *Rebels*, and no man proſecuting the matter againſt him, it there reſted; and there were many *Papiſts* then dwelling in that Town, whom he did not hurt.

12. That *Luke Nettervile*, Son to the Lord *Nettervile*, about the latter end of *November*, 1641. made Proclamation at *Lusk*, that all the Gentry *on pain of death*, ſhould meet at *Swords* (within ſix Miles of *Dublin*) within three or four days after, (which was *before the killing at Santry*) and there by his *own* Authority, conſtituted ſeveral Captains, and commanded them to be there again with their Companies Armed, *December*, 7th. and then there appeared 1200. in Arms, of which the Juſtices being informed, ſent to them an order to ſeparate themſelves, and that *Nettervile* and 6 others ſhould attend their Lordſhips. But they *refuſed* both; and continued at *Swords* till *January*, Robing, Spoiling and Impriſoning your Majeſty's Subjects. And *December* the 4*th*, ſent a Party to *Clantarf* (but a Mile and a

An. 1641. half from *Dublin*) where they faced the City, and the Inhabitants of that Village had rob'd two *Engliſh* Barks, and threatned to burn all the Ships in the Harbour; whereupon the Juſtices and Counſel on the 15*th* of *December*, ſent out Sr. *Charles Coot* to beat them out, and burn the Village, which he performed, and found in the ſaid Mr. *Kings* Houſe and other Houſes, divers of the Goods of the ſaid two Barks.

13. Finding the Rebellion on all ſides encreaſe, the Lords Juſtices *Decmb.* the 3*d.* 1641. write to the Lords and Gentry of the *Pale*, to meet them on the 8*th*, but they refuſed, alleadging that they were told Sir *Charles Coot* at the Council-Board had uttered words tending to a Purpoſe or Reſolution of a *general Maſſacre on thoſe of their profeſſion.* To take off this pretence, the Juſtices and Council publiſh a Declaration *December* the 13*th.* affirming that they never heard *Coot* or any other *utter any ſuch Speeches*, and that that *Board* never meant to diſhonour the State and Wound their own Conſcience by harbouring a Thought ſo impious and deteſtable, but would ſeverely *puniſh* any that ſhould be proved to have ſpoken the ſame; and alſo gave the ſaid Lords and Gentry the *Word of the State* for their ſafety, but ſtill they refuſed to appear, [*and here the Anſwer goes on with a particular Relation of divers Paſſages and Actions, and how the Lords Juſtices having about the beginning of* November, *delivered out Arms and Ammunition for* 300 *to* 3 *Captains being Papiſts, appointed to guard the County of* Kildare, *one of them, Captain* Nicholas White *eldeſt Son of Sir* Nicholas White *on the* 2d *of* December, *ran away with the whole Company and Arms to the Rebels, and conclude as to this Article thus*] all which particulars are ſpecified, that it may appear in what caſe the *Pale* and other parts of *Leimſter* ſtood, *before* the killing at *Santry*, and burning at *Clantarfe*. That your Majeſty may the more clearly ſee the Vanity and Malignity of the Confederates in pretending to be terrified into Arms by thoſe Arts, (which they know were *ſubſequent* to their taking Arms) and by their other deviſed Provocations in *England* and *Ireland*, no truer than the former. And that it may appear to all the World, that the Lords Juſtices did not draw your Majeſty's Sword upon Jealouſies or Preſumptions till the higheſt Extremities, compell'd; till innumerable Murthers, Spoils and Outrages committed on the Brittiſh and Proteſtants in ſo many places without ſtop or reſtraint by any of the Lords or Gentry, nor till the horrid Defamation of your Sacred Majeſty, and that it fully appeared, that all was done by conſpiracy and deſign.

IX. Article. *THAT the Lord Preſident of* Munſter, *the Province being quiet, burnt, preyed, and put to death Men, Women, and Children*, &c.

Anſwer. SHEW the falſeneſs of this Article, by particularizing the Times and Occaſions of the Actions by him performed; how kindly ſuch were uſed and truſted, as were peaceable, as long as they continued ſo; That he medled not, till he found that the Inhabitants of all ſorts did riſe in Rebellion, Murthering and Spoiling the Proteſtants, and then, in *Feb.* 1641. he was ordered to proſecute them with *Fire and Sword.* Yet at the ſame time he offered to as many prime Men as he could, your Majeſty's gracious Proclamation for *laying down Arms*, but they rejected it, ſome ſaying that it was *Counterfeit*, and others that it was done by *Coertion.*

X. Article. *THAT whereas* Ireland *has a* Parliament *of its* own, *and no Statute made in* England *ought to bind in* Ireland, *unleſs there eſtabliſh'd by Parliament; yet by ſeveral late Acts, your Majeſty's Subjects unſummoned, unheard, were declared* Rebels, *and* two millions and a half of Acres *of their Lands ſold to the Undertakers; which Acts they conceive to have been* forced *upon your Majeſty.*

jeſty, becauſe unjuſt *and deſtructive, the Scope ſeeming to aim at* Rebels *only, and the diſpoſition of a certain quantity of Land, but in effect and ſubſtance,* all the Lands in the Kingdom *may thereby be diſtributed. By colour whereof the Forces ſent hither* Diſavow *Authority from your Majeſty, but depend upon the Parliament of* England. 17 Caroli.

HOW far Laws made in *England* may *bind* in *Ireland,* will beſt appear by Records and Precedents. The Acts mentioned, were made by your Majeſty's *Royal Aſſent,* and do not aim at any Lands, but only of thoſe that have *rebelled,* and committed the moſt deteſtable Treaſons againſt your Crown, Perſon, and Dignity, and the moſt outragious Cruelties and Spoils on innocent Subjects without any provocation; which Acts cannot in any reſpect be the *occaſion* or grounds of thoſe hideous perpetrations, ſince they were in their firſt Conception derived only *from* the fearful Rebellion of the Confederates, and (*after* their horrid Acts) provided by your Majeſty and your Parliament, as the moſt ſpeedy and effectual way to relieve the Remnant of your miſerable deſpoiled Subjects, ready every day to be ſwallowed up by the deluge of that univerſal Rebellion, and therefore it cannot be believed that your Majeſty was *inforced* thereunto, it being your *own Cauſe,* and the Cauſe of your *beloved* and ever loving People. Neither is there any truth in that malicious Traducement, that your Majeſty's Forces in *Ireland diſavowed* any Authority from your Majeſty; all their authority and command being intirely derived from your Majeſty and your immediate Miniſters. *Anſwer.*

All Strangers *have been commanded to depart* Dublin, *and then were, by direction of the Lords Juſtices,* pillaged *abroad. Perſons imploy'd by them in publick Service, and others that kept within doors and annoyed no Man, and who had the Protection of the State, were ſooner pillaged, their Houſes* burnt, *themſelves Servants and Tenants* killed *and deſtroyed, than any others;* Quarter *given and taken violated; ſuch as came into* Dublin *voluntarily, and who could not be juſtly ſuſpected of any Crime, if* Iriſhmen *or* Catholicks, *Impriſoned and tryed for their Lives;* Dublin, Cork, Drogheda, Yeoghal *and* Kingſale, *who received Gariſons in your Majeſty's Name, worſe uſed than the* Iſraelites *in* Egypt; *ſo that it will be made appear, that* more murthers, breaches of Publick Faith and Quarter, more deſtruction and deſolation, more cruelties not fit to be named, were committed in *Ireland* by the Direction and Advice of the ſaid Lords Juſtices and their Party in leſs than eighteen months, than can be parallel'd to have been done by any Chriſtian People. XI. Article.

'TIS true, the Lords Juſtices and Council for Common Safety on the 23*d.* of *October,* 1641. when the Hour approached, deſigned for ſurprizing your Caſtle of *Dublin,* obſerving *multitudes of Strangers* to come to Town, ſeveral ways, who not being admitted at the *Gates,* grew numerous in the Suburbs and Fields, to the great Terror of the Inhabitants, did publiſh a Proclamation, requiring all that were *not dwellers* in the City or Suburbs, to depart on *pain of Death*; but this did not aim at any of the *Pale,* or of known Credit, nor did any ſuch take any ill apprehenſion thereat; and upon further reſort of dangerous People, they ſet out the like Proclamation on the 28*th* of the ſame month. And another on the 11*th* of *Novemb.* That all that had not neceſſary cauſe of buſineſs, ſhould depart in twenty four hours. But 'tis untrue that any of theſe Perſons, or any other had their Goods pillaged by directions of the Juſtices. Indeed afterwards, the Soldiers which came out of *England* when they wanted pay, did many *unruly* *Anſwer.*

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Acts by pillaging and otherways, but the Juſtices endeavoured as much as poſſible to reſtrain them, witneſs their Orders and Declarations. That any who annoyed no body, or that had the *Protection* of the State, were pillaged or kill'd, or their Houſes burnt by the Juſtices Order, is a meer Fiction. Neither was any *Quarter*, though ſometimes unwarrantably given, ever violated by them or with their privity. Neither was any man killed or his Goods taken by any Authority, becauſe an *Iriſhman* or a *Roman Catholick*, but becauſe *a Rebel*. *Drogheda* and the other Towns 'tis true, are forced to indure the trouble of unruly Soldiers, but that, and all other miſeries of them and the whole Kingdom, is occaſioned only by the Confederates *Rebellion*. And as to the *Murthers, Breaches of Faith*, &c. which they talk of committed by the direction of the Lords Juſtices, the Aſſertion is *moſt falſe and ſcandalous* in all the Parts, thereof; for whatſoever killing or deſtruction was executed on the Confederates and their complices, having their Swords in their Hands, was done in natural Defence, and in a Courſe of *juſt War* as a neceſſary Chaſtiſement from a gracious and religious Prince, upon the unnaturalneſs of *unfaithful Subjects*, raging in all extremity againſt the Lives, Perſons and Eſtates of your innocent and obedient Subjects, neither did all that killing and deſtruction amount to the *tenth part* of the Murthers and Deſtructions, in near four Months before committed upon your Majeſty's Loyal and Innocent Subjects, and that by ſudden ſurprizal and *cold blood*, when they were no way able to make reſiſtance. And the Indiſpoſition of the Lords Juſtices to ſhed Blood, appears in that of above ſixty Perſons, who amongſt many hundreds coming to ſurprize *Dublin*, were on the 23*d.* of *Octob.* 1641. apprehended, none ſuffered death, ſave only *one*, whom the Lord *Macquire* confeſſed to be privy to the Plot, and many the like Inſtances there are of their tenderneſs in that Point.

The laſt Article.

THE Juſtices have cauſed the Sitting of the Parliament for ſeveral Seſſions, nine parts of ten of the genuine Members being abſent, the Houſe of Commons conſiſts of a Number of Clerks, Soldiers and others not legally return'd, and having no manner of Eſtate *within the Kingdom; and the* Terms *were kept at* Dublin *to no other end, but by falſe and illegal Judgements and* Outlawries, *to attaint many thouſands of your Majeſty's moſt faithful Subjects, poor Artificers, Soldiers and Servants being returned Jurors to paſs on the Lives of thoſe who came in upon Protection, and the publick Faith; therefore the ſaid Catholicks do* proteſt *againſt the ſaid Proceedings in Parliament, and the other Courts aforeſaid. And for preventing further effuſion of Blood, and the ſatisfaction of your ſaid Subjects. who in manifeſtation of their Duty and Zeal to your Majeſty's Service will be ready to* imploy 10000 *Men, under the Conduct of well-experienc'd Commanders,* in Defence of your Royal Rights and Prerogatives, *They pray.*

1. *A* Free *Parliament to be held in an indifferent Place, wherein their Grievances may be redreſs'd.*

2. *That the Statute of* 10. H. 7. *called* Poynings Act, *be* ſuſpended, *and afterwards, by Advice of Parliament, either repeal'd or continued as they find fit, and that no matter whereof complaint is made in this Remonſtrance, may debar* Catholicks *from Sitting and Voting in the ſaid Parliament.*

Anſwer.

CAN the Confederates imagin it reaſonable, that becauſe they will be *Rebels* without cauſe or provocation, therefore your Majeſty and your good People muſt neither have *Parliament* nor *Courts of Juſtice* to ſuſtain and comfort them? whereas they affect to vilifie the Members of Parliament, they cannot but know, that the *Peers* are the very ſame, and the Commons for the moſt part the ſame, that were thought worthy to ſit with them, and as active and able in the Service of

of your Majeſty and the Common-wealth as any of them, and much more faithful. And for ſuch of theſe Confederates as the wholeſome Laws of the Land have caſt out for their *Treaſons* and Breach of Faith both to God and Man, there are by due Election ſubſtituted in their Places, *Men of Eſtate* for the moſt part, but all *honeſt* and *legal* Men. 17 *Caroli.*

THE *Terms* ſince the beginning of *Hillary Term*, 1641. have been kept at *Dublin*, as legally they ought to be, and many known Traitors and Rebels on full Evidence Indicted, and many duely Outlawed; but no faithful Subjects have been Indicted or Proſecuted, no *Sheriffs* appointed, but Men of known Credit and Subſiſtence, competent for ſuch a Truſt as now the State of the Kingdom ſtandeth, moſt of the former Sheriffs openly joyning in the Rebellion. Whereas they ſeem offended that *Soldiers* are Members of Parliament, and ſerve as *Jurors*, they ſhould have conſidered, that their Rebellion forced many of thoſe Men to take up that honourable Profeſſion, to ſtand in your Majeſty's juſt quarrel againſt the Remonſtrants; and defend the Reſidue of your diſtreſſed Subjects, and that many of thoſe Men had (till the Confederates rob'd them) and ſtill have Intereſts in as *good Eſtates* as themſelves, and as well in that regard as of Abilities, are as fit for the beſt Truſt in the Common-wealth. That any have been tryed for their Lives and Eſtates that came in upon *Protection*, and the publick Faith is a notorious untruth. And whereas they *proteſt* againſt the preſent Parliament, and deſire one that they call a *free one*, 'tis plain, they intend the *Diſſolving* of the Parliament now ſitting, and how dangerous that may prove, is left to your Majeſty's Wiſdom, for 1. They, being the Parties criminous, will gain the *acquital* of their Treaſons, and the management of Affairs, and wholly exclude your Proteſtant Subjects, who ſo faithfully have ſerved you, and thus thoſe of us that they have left undeſtroyed by the *Sword of Rebellion*, they now deſire to deſtroy or baniſh by *colour of Juſtice*. And 2ly. by Repealing of *Poyning's Law*, 'tis evident the Remonſtrants deſign to bereave your Majeſty of your Rights, and that you ſhall not be acquainted with what Laws they make, and ſo they may Repeal the *Stat.* 2. *Eliz.* againſt the Pope's Uſurped *Juriſdiction*, and all Laws touching the Worſhip of God, whereby your Majeſty will loſe above the one moiety of your Regal Authority, and God be bereav'd of his Honour, and all good people forced to forſake that Kingdom. 3. The Remonſtrants have erected a *popular Government*, viz. Their *Supream Provincial*, and *County-Councils*, which if they ſhould ſettle by *Act of Parliament*, they would thereby give countenance to their paſt Actions, and for ever exclude the Laws of *England*, which for 400 years have govern'd them. 4. Your Majeſty is already intituled to a great part of that Kingdom, by *Attainder* of many of the Remonſtrants in this Rebellion, which by this means they will be ſure to deprive your Majeſty of, and ſo diſable your Majeſty to raiſe any yearly Revenue out of their Lands, or make your Proteſtant Subjects any ſatisfaction for their Loſſes.

Laſtly, Your Proteſtant Subjects crave leave to inform Your Majeſty that the Confederats have violated the *Ceſſation*, and as well by *Fraud* as *Force*, have taken from divers of your Proteſtant Subjects ſeveral places of ſtrength, Lands and Goods to a great value, and refuſe to make reſtitution, but have burnt and waſted many places, to the ruin and terror of your ſaid Subjects, and do yet detain the greateſt part of the 30 thouſand pounds, which, by the Treaty of the ſaid Ceſſation, they were obliged to pay towards maintenance of your Majeſties Army, tho long ſince due, whereby your Army, that rely'd thereupon, is reduced to great Extremities, and forced to be burthenſom to your Proteſtant Subjects, to the great diſſervice of your Majeſty.

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By all which 'tis evident, they intend nothing leſs than the abſolute Extirpation of your Majeſties *Engliſh* Government, and Proteſtant Subjects.

Thus far the Anſwer of the Proteſtant Agents.

But as theſe *Iriſh* Rebels made uſe of theſe falſe, tho ſpecious pretenſions, in their Remonſtrance to the King, ſo on the other ſide, to delude the people, they ſpread abroad many other vile Fictions and Scandals on His Majeſty; and amongſt the reſt, were ſo wicked, in the beginning of their Rebellion, as to pretend a Commiſſion for their doings, which having been hinted at, and mentioned by ſeveral Authors, is here expoſed at large, as it was printed in thoſe times, the words being enough to ſhew their Vilainous practiſe, notwithſtanding their pretence of Loyalty to the King, and its bare recital is a ſufficient Reſutation and Detection of the impar alell'd Forgery.

From our Camp at the *Newry*, this 4*th.* of *November*, 1641.

Phelim O Neale, *Rory Mac-Guire*, &c.

The *Iriſh* Rebels pretended Commiſſion Communicated by Sir *Phelim O Neale*, and *Mac-Guire*, to the Confederates.

TO *all Catholicks of the* Roman *Party, both* Engliſh *and* Iriſh, *within the Kingdom of* Ireland, *We wiſh all Happineſs, freedom of Conſcience, and Victory over the* Engliſh *Heretick*s, *who have for a long time Tyrannized over our Bodies, and Uſurped, by Extortion, our Eſtates.*

Be it hereby made known unto you all, our Friends and Country-men, that the Kings moſt Excellent Majeſty, for many great and urgent Cauſes thereunto moving, repoſing Truſt and Confidence in our Fidelity, has ſignified unto us, by his Commiſſion under the Great Seal of Scotland, *bearing date at* Edenburgh, *the firſt day of this inſtant* October, 1641. *and alſo by Letters under his Sign Manuel, bearing date with the ſaid Commiſſion, of divers great and heinous affronts, That the* Engliſh *Proteſtants, eſpecially the Parliament there, have publiſhed againſt his Royal Perſon and Prerogative, and alſo againſt our Catholick Friends within the Kingdom of* England; *the Copy of which Commiſſion, we have here ſent unto you, to be publiſhed with all ſpeed, in all parts of this Kingdom, that you may be aſſured of our ſufficient Warrant and Authority herein,* viz.

The Commiſſion pretended by the *Iriſh* Papiſts.

CHARLES, *by the Grace of God King of* England, Scotland, France *and* Ireland, *Defender of the Faith*, &c. *To all Catholick Subjects, within Our Kingdom of* Ireland, *Greeting. Know you that We, for the Safe-guard and Preſervation of Our Perſon, have been forced to make Our aboad and reſidence in our Kingdom of* Scotland *for a long Seaſon, occaſioned by reaſon of the obſtinate and diſobedient carriage of Our Parliament of* England *againſt Us, who have not only preſumed to take upon them the Government, and diſpoſing of thoſe Princely Rights and Prerogatives, that have Juſtly deſcended unto Us from Our Predeceſſors, both Kings and Queens of the ſaid Kingdom, for many* 100 *years paſt, but alſo have poſſeſſed themſelves of the whole Strength of the ſaid Kingdom, in appointing Governors, Commanders, Officers, in all parts and places therein, at their own will and pleaſure, without our conſent, whereby We are deprived of Our Soveraignty, and left naked without Defence: And foraſmuch as We are in our ſelves very ſenſible, that theſe Storms blow aloft, and are very likely to be carried, by the vehemency of the Proteſtant Party, into Our Kingdom of* Ireland, *and indanger Our Royal Power and Auth*[illegible]*rity there alſo; know ye, therefore, that We, repoſing much Care and Truſt in your Duty and Obedience, which We have for many years paſt found, do hereby give unto you full Power and Authority to aſſemble and meet together, with all the ſpeed and diligence that a buſineſs of ſo great a Conſequence*

doth

17 *Caroli.*

doth require, and to Adviſe and Conſult together, by a ſufficient and diſcreet number, at all times, days and places, which you ſhall in your Judgment hold moſt convenient and material for the ordering, ſettling and effecting of this great Work, mentioned and directed to you in Our Letters, and to uſe all Politick ways and means poſſibly to poſſeſs your ſelves, for Our uſe and ſafety, of all the Forts, Caſtles, and places of Strength and Defence within the ſaid Kingdom, except the Places, Perſons and Eſtates, of Our Loyal and Loving Subjects the Scots: *And alſo, to Arreſt, and Seize the Goods, Eſtates and Perſons, of all the* Engliſh *Proteſtants within the ſaid Kingdom, to Our uſe; and in your care, and ſpeedy performance, of this Our Will and Pleaſure We ſhall perceive your wonted Duty and Allegiance unto Us, which We ſhall acknowledge and reward in due time. Witneſs Our Self at* Edinburgh, *the Firſt day of* October, *in the* 17*th. Year of Our Reign.*

Theſe, and the like falſe Seditious and Traiterous Reports and Pretenſions of the Rebels, occaſioned the Lords Juſtices and Council of the Kingdom of *Ireland*, to ſet forth this following Proclamation.

By the Lords Juſtices and Council.

William Parſons, Jo Borlaſe.

A Proclamation againſt the Calumny, of the Rebels pretence of acting by the Kings Comiſſion. *Octob.* 30th, 1641.

WHEREAS we the Lords Juſtices, and Council have lately found, That there was a moſt Diſloyal wicked and deteſtable Conſpiracy intended and Plotted againſt the Lives of us, the Lords Juſtices and Council, and many others of his Majeſties Faithful Subjects, eſpecially in *Ulſter*, and the Borders thereof: And for the ſurpriſing not only His Majeſties Caſtle of *Dublin*, His Majeſties Principal Fort; but alſo of other Fortifications in ſeveral parts; and although by the great and abundant mercy of Almighty God to his Majeſty, and to this State and Kingdom, theſe wicked Conſpiracies are brought to light, and ſome of the Conſpirators Committed to the Caſtle of *Dublin* by us, by his Majeſties Authority, ſo as thoſe wicked and damnable Plots have not taken effect in the Chief parts thereof: Yet ſome of thoſe wicked Malefactors have ſurpriſed ſome of his Majeſties Forts and Gariſons in the *North* of *Ireland*; Slain divers of his Majeſties good Subjects, Impriſoned ſome, Robbed and Spoiled very many others; and continue yet in thoſe Rebellious Courſes, againſt whom therefore ſome of his Majeſties Forces are now marching to fight againſt them and ſubdue them, thereby to render ſafety to his Majeſties Faithful Subjects. And whereas to Colour and Countenance theſe their wicked Intendments and Acts, and in hope to gain the more Numbers and Reputation to themſelves, and their proceedings in the opinion of the Ignorant Common People; thoſe Conſpirators have yet gone further, and to their other High Crimes and offences, have added this further wickedneſs, even to traduce the Crown and State, as well of *England* as *Ireland*, by falſe, Seditious and ſcandalous Reports, and Rumours ſpread abroad by them: We therefore to vindicate the Crown and State of both Kingdoms, from thoſe falſe and wicked Calumnies, Do hereby in his Majeſties Name, publiſh and declare, That the ſaid Reports ſo ſpread abroad by thoſe wicked perſons, are moſt Falſe, Wicked and Trayterous, and that we have full power and Authority from His Majeſty to Proſecute and Subdue thoſe Rebels and Traytors, which now we are doing accordingly, by the power and ſtrength of his Majeſties Army, and with the aſſiſtance of his Majeſties good and Loyal Subjects; we no ways doubt but all his Majeſties good and Faithful Subjects will give Faith and Credit to us, who have the Honour to be truſted by his Majeſty ſo highly,

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highly, as to ſerve him in the Government of this his Kingdom, rather than to the vain idle and wicked Reports of ſuch lewd and wicked Conſpiratours who ſpread thoſe falſe and Seditious Rumours hoping to ſeduce a a great Number to their Party. And as we now believe, that ſome who have joyned themſelves with theſe Conſpirators, had no hand in contriving or plotting the miſchiefs intended, but under the pretence of theſe Seditious ſcandals, were deluded by thoſe Conſpirators; and ſo are now become Ignorantly involved in their Guilts, ſo in favour and mercy to thoſe ſo deluded, We hereby Charge and Command them in his Majeſties name now from us to take light to guide them from that darkneſs, into which they are miſled, by the wicked ſeducement of thoſe Conſpirators, and to depart from them, and from their wicked Councels, and Actions and according to the Duty of Loyal Subjects to ſubmit themſelves to his ſacred Majeſty, and to his Royal Authority intruſted with us; but in Caſe thoſe Perſons which were no Plotters, nor Contrivers of the ſaid Treaſon, but were ſeduced to joyn with them as aforeſaid; lay not hold of this his Majeſties Grace and favour, now tendred unto them. Then we do by this Proclamation publiſh and declare that they ſhall hereafter be reputed, and taken equally guilty with the ſaid Plotters and Contrivers, and as uncapable of favour and mercy as they are.

Given at His Majeſtie's Caſtle of Dublin, *the* 30th *of* October, 1641.

La. Dublin. *J. Temple.*
R. Ranelagh. *P. Crosby.*
Ant. Midenſis *James Ware.*
John Rophoe. *Robert Merideth.*
R. Dillon.

The reaſon and deſign of their pretending ſuch a Commiſſion, will appear from their own acknowledgment; atteſted by a Reverend Witneſs.

Part of the Depoſition of *Robert Maxwell*, Dr. of Divinity (and afterwards Biſhop of *Kilmore*) Depoſed, *Aug.* 22. 1642. Which is recited at large in the Appendix to the Hiſtory of the Execrable *Iriſh* Rebellion, *Fol.* 126.

Part of Dr. *Maxwells* Depoſition.

AND this Deponent further ſaith, That he demanded why ſometimes they pretended a Commiſſion from the King; at other times from the Queen, ſince all wiſemen knew that the King would not grant a Commiſſion againſt himſelf and the Queen could not. They being Commanders and Friers, ſaid, That it was Lawful for them to pretend what they could in Advancement of their Cauſe. That many Garriſon Souldiers (now their Priſoners, whom they Determined to Imploy in the War, and to Train others) would not ſerve them in regard of their Oath unleſs they were made ſo to Believe; That in all Wars, rumours and lyes ſerved many times to as good purpoſe as Arms, and that they would not diſclaim any Advantage. But they ſaid, for the Queen (in regard as a Catholick ſhe had Enemies enough already) they would Command their Prieſts publickly (at Maſs) to diſcharge the people from ſpeaking of Her as a Cauſe or Abetter of the preſent troubles.

How they Counterfeited the Seal.

The manner of their fixing the Seal to this Counterfeit Commiſſion, I find to be mentioned in a Manuſcript, affirmed to be written by *Edward* late Earl of *Clarendon*, treating of that Rebellion, in theſe words. 'One 'Circumſtance of unhappy and impious policy muſt not be forgotten, by 'which the bold Authors of that unnatural War, in the firſt entrance into it,

M.S. written by the Earl of *Clarendon.*

promiſed

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'promiſed to themſelves notable Advantages; and which in truth, as moſt, 'of the policies of that kind, brought unſpeakable Miſery and Devaſtation 'upon that Nation: For the better ſeducing the People, who, having 'lived ſo long in Peace and Amity with the *Engliſh*, were not without 'ſome Reverence to that Government; and ſo could not in plain and direct 'Terms be eaſily led into an avowed Rebellion againſt their King, they 'not only Declared, and with great Skill and Induſtry publiſhed through-'out the Kingdom, That they took Arms for the King and the Defence of 'His Lawful Prerogative, againſt the Puritanical Parliament of *England*; 'which they ſaid Invaded it in many parts, and that what they did was by His 'Majeſtie's Approbation and Authority: And to gain Credit to that Fiction they 'produced and ſhewed a *Commiſſion* to which they had faſtned an Impreſſion of 'the *Great Seal*, which they had *taken off* from ſome Grant or Patent, which 'had regularly and legally paſſed the Seal; and ſo it was not difficult to 'perſwade weak and unexperienced Perſons to believe that it was a *true Seal*, 'and *Real Commiſſion* from the King. And by this fatal Stratagem, they 'caſt ſo odious an Imputation upon the King, and upon thoſe perſons who 'were worthily neareſt him in his Affection and Councils, That the Seditio-'ous Party in *England*, who were then contriving all the miſchief, they after-'wards brought to paſs, uſed all their Arts to propagate thoſe horrid Ca-'lumnies, and to infuſe into the hearts of the people an Irreverence and 'Jealouſie of the King, Queen, and thoſe neareſt in Truſt to either of them; 'ſo that His Majeſty was even compelled for his own Vindication and leſt 'he might be thought too faint a Proſecutor of an Enemy, whoſe Inſur-'rection, it was ſaid, he himſelf had fomented, to commit the whole man-'agement of that War to the two Houſes of Parliament, and they having 'obtained this power, Intereſſed and truſted ſuch Members of their own 'body with the ordering and directing of the ſame as were reſolved with 'moſt Paſſion, Uncharitableneſs, and Violence to proſecute that whole Na-'tion; and the Religion that was moſt generally Exerciſed there: And by 'this means all perſons who were to Conduct both the Civil and Military 'Affairs in *Ireland*; were drawn to a Dependence upon the two Houſes of 'Parliament at *Weſtminſter*. All Officers and Commanders for that War 'were nominated and approved by them; all Moneys raiſed for that Ser-'vice, was Iſſued and diſpoſed only by their Orders; from whence it came 'to paſs, that they who craftily intended to derive a ſupport and Coun-'tenance to themſelves, by uſing the King's name to purpoſes which he ab-'horr'd, Fooliſhly thereby Defrauded and deprived themſelves of that pro-'tection and Mercy, which his Majeſty might have vouchſafed to them 'for their Reduction and preſervation, *&c.*——Thus that Noble Pen.

I ſhall here add, His Majeſtie's own words concerning this matter, as I find them in Εἰκὼν Βαζιλικὴ.

Upon the Rebellion and Troubles in Ireland, *His Majeſty thus expreſſes himſelf.*

THE Commotions in *Ireland*, were ſo ſudden and ſo violent, that it was hard at firſt either to diſcern the Riſe, or apply a Remedy to that precipitant Rebellion.

Indeed, that Sea of Blood that hath there been cruelly and barbarouſly ſhed, is enough to drown any man in Eternal both Infamy and Miſery, whom God ſhall find the malicious Author, or Inſtigator, of its Effuſion.

It fell out as a moſt unhappy advantage to ſome mens Malice againſt

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me, that when they had Impudence enough to lay any thing to my Charge, this bloody opportunity ſhould be offered them, with which I muſt be aſperſed, although there was nothing which could be more abhorred by me, being ſo full of Sin againſt God, Diſloyalty to my ſelf, and Deſtructive to my Subjects.

Some men took it very ill not to be believed, when they affirmed, That what the *Iriſh* Rebels did, was done with my privity, at leaſt, if not by *my Commiſſion*; but theſe knew too well, that it is no news for ſome of my Subjects to fight, not only *without* my Commiſſion, but *againſt* my Command and Perſon too, yet all the while to pretend they fight by my Authority, and for my Safety.

Ireland, 1641, 1642, &c.

An Abſtract of ſome Depoſitions, ſhewing that the *Iriſh* deſigned to alter the Government of *Ireland*, into the hands of an *Iriſh* Governor, to Reign over them.

GEorge Cooke *of* Liſſignie (inter cætera) *depoſeth, That one* Tirlagh O Gowne, alias Smith, *a Popiſh Prieſt, ſaid, That the* Papiſts would have their Churches, Lands, *and* Kingdom *to themſelves, from the* Engliſh, *and be no more Slaves to the* Engliſh, *as they had been, or elſe they would loſe their Lives.*

Richard Colley, *of the Pariſh of* Kinnallie, (inter alia) *depoſeth, That* Bryan O Cormaik *of* Driſternam, *and other Rebels, ſaid, They would never ſubmit to any* Engliſh-man.

Thomas Magill, *Clerk, depoſeth, That* Collogh, Mac. Bryan, Mac. Mahowne, *and ſeveral other Rebels, ſaid, That they would not be* ſubject to any Parliaments in England, *and that they would have* none to Govern *over them* but a born Iriſh-man.

Mathew Browne *of* Cloniſs, *Gentleman, depoſeth, That he heard* Peter Bath *ſay, That they looked to have the King, to put out the Words* Defender of the Faith, *for none was Supreme of the Church, and Defender of the Faith, but the Pope.*

Richard Whirton *of* Kilvane, (inter cæt.) *depoſeth, That* Luke Birne *of* Kilvane, *ſaid, He would have their Religion flouriſh, no* thanks to the King.

Edward Deaſelye, (inter cæt.) *depoſeth, That* Luke Toole *and* Luke Birne, *offered a Paſs to this Examinant, which they ſaid would be better than the* King's Paſs.

Thomas Taylor *of* Kilmore, (inter cæt) *depoſeth, That he heard* Mulmore-Okely *ſay, That if the ſaid Deponent would deny the King, he ſhould ſpeed as they did.*

William Wright *of* Culmonyn, (inter cæt.) *depoſeth, That* John Good *of* Clonay Sawne, *and* Dermot Mac-Phelmi, *ſaid, That they hoped to have all Proteſtants hanged within one Fortnight, and him that did* protect them.

Richard Knowles *of* Newtowne, (inter alia) *depoſeth, That* Rory Magwire, Richard Nugent, Donogh, Magwire, *by whoſe means he was Robbed, ſome of the ſaid Robbers ſaid, that they had a King of their own in* Ireland.

Nicholas Michaell *of* Farnam, (inter cæt.) *depoſeth, That he heard the parties that Robbed him ſay, They had an* Iriſh King *amongſt them, and they regarded not King* Charles *the King of* England.

Robert Barton *of* Newtowne, (inter cæt.) *depoſeth, That ſome of the Rebels ſaid, They had* a new King, *and had Commiſſion from him for what they did.*

Thomas

17 *Carol.*

Thomas Midlebrooke, inter cæt. *depoſeth, About the* 26th. *of* October *laſt paſt, he heard one* Cahell-Boy, Mac Demot *of* Kilrout, *ſay, That within one Fortnight they ſhould have a* new King of *Ireland* Crowned, *one of the* O Neals, *or Words to that effect.*

Avis Braſhaw, (inter cæt.) *depoſeth, That ſhe heard the aboveſaid* Cahell Boy *ſay, The ſame, or Words to that effect.*

Alice Champin, *the Relict of* Arthur Champin, (inter cæt.) *depoſeth, That ſhe heard the Rebellious* Iriſh *ſay, That Sir* Phelim O Neale *ſhould be King of* Ireland, *and that they would give a great ſum of Money, on condition they had our Gracious* King Charles his Head.

Elizabeth Gough *depoſeth, That* Cahir Okelay, *and* Thomas Mac-Encourr *ſaid, They purpoſed to have a King of their own, and that Sir* Phelim O Neale *ſhould be he.*

John Gregg *of* Clovenedan, (inter cæt.) *depoſeth, That Captain* Shaue O Neale, *Stiled Sir* Phelim O Neale, His Majeſty.

Martha Culme *depoſeth, That one* Art, Mac-Patrick, Mac-Toole Boy, Mac-Mahowne, *ſpeaking to her in* Iriſh, *ſhe deſired him to deliver himſelf in* Engliſh, *for ſhe underſtood not* Iriſh, *who anſwered her in* Engliſh, *That ſuch as ſpoke in* Engliſh *ſhould pay* 10 *Shillings to the King, and the Deponent demanding of him what King, he anſwered, What King but the* Earl of Tyrone.

Hugh Culme *depoſeth, That he was credibly told, that* Art Mac-Mahowne *ſaid, That they that ſpoke* Engliſh *ſhould pay* 10 *Shillings to the King, the party to whom it was ſpoke deſiring to know what King, his anſwer was, What King but the* Earl of Tyrone.

Anne Gill *depoſeth, That* Rory Magwire, *in the preſence of this Deponent, and a great many of her Neighbours, gave forth, That it was to no purpoſe for them to flee to* Dublin *for Succour, for* Dublin *was taken by the Lord* Magwire, *who was to be King of* Ireland.

A Breviate of ſome of the Cruelties, Murders, &c. *committed by the* Iriſh *Popiſh Rebels, upon the Proteſtants in the Rebellion and Maſſacre, which broke out in that Kingdom,* Octob. 23. 1641. *Atteſted upon Oath.*

Breviate of Popiſh *Iriſh* Cruelties.

THE following Extract is grounded upon Depoſitions and Examinations, taken upon Oath, by Vertue of Commiſſions under the Great Seal of *Ireland*, remaining in the Repoſitories of Records at *Dublin*, and ſome time in the Cuſtody of the Clerk of the Council, to which abundance more Inſtances, of like kind, might be added from undoubted Proofs or Vouchers, eſpecially if the Examinations of Archdeacon *Biſs* could be recovered; who being, amongſt others, Impowered about ſuch Examinations, very diligently applied himſelf thereunto, and took many and large Depoſitions in the Province of *Munſter*, which 'tis probable would much have enlightned Poſterity in this matter, but as he himſelf afterwards falling into the hands of the *Iriſh*, was by them Inhumanly Murdered, they expreſſing that to be the cauſe, *viz.* The Examinations then taken; ſo alſo the ſaid Examinations have ſince, by I know not what ill luck or means, been ſmother'd or loſt, but there yet remain Teſtimonies enough to ſatisfie any rational perſon, and fill him with horror, to review ſuch a frightful and barbarous Scene.

The Letter p. *referreth to the page in the* Archieves *at* Dublin, *now in the poſſeſſion of the Clerk of the Council.*

The

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The County of Antrim.

THE Rebels confeſſed to this Deponent, that they had killed in one Morning 954. in this County; and beſides them they ſuppoſed they had killed Eleven hundred or Twelve hundred more in that County. *Dr.* Maxwels *Examination, Coun.* Armagh. *p.* 11, 12.

The County of Armagh.

Proteſtants in multitudes forced over the Bridge of *Portuedown*, whereby at ſeveral times there were Drowned in the River of *Bann*, above one Thouſand. *Gertude Carliſle*, County *Tirone*. p. 3. *Chriſtian Stanhaw*, Co. *Armagh*. p. 1. *Owen Frankland*. p. 2. *Margaret Bromley*, Co. *Armagh*, p. 1. *Rich. Newbeary*, Co. *Armagh*. p. 2. *Ellinor Fullerton*, Co. *Armagh*. p. 2. Dr. *Maxwell*, Co. *Armagh*. p. 11, 12. *Henry Read*, Co. *Monagham*. p. 1. *Eliz. Price*, Co. *Armagh*. p. 1. *Jone Conſtable*, Co. Armagh. p. 3. *Tho. Green*, Co. *Armagh*. p. 1. *William Clerk*, Co. *Armagh*. p. 1. *Edw. Saltenſtall*, *Geo. Litlefield*, Co. *Armagh*. p. 3.

Great Number of Proteſtants drowned at *Corbridge*, and *Kinare*, in the County of *Armagh*. Dr. *Maxwell*, Co. *Armagh*. p. 12. *Alexander Creighton*, Co. *Monaghan*. p. 3. *William Holland*, Co. *Monaghan*. p. 3.

Mr. *Fullerton* Clerk, Mr. *Aubrey*, Mr. *Gladwich* murthered in the way towards *Portuedowne*. *William Clark*, Co. *Armagh*. p. 1. *Jo. Montgomery*, Co. *Monagham*.

Many others murthred, five murthred ſoon after the beginning of the Rebellion. Fifty murdered at *Blackwater* Church. *Margaret Fillis*, *Chriſtian Stanhaw*, *Owen Frankland*, *Ann Smith*, *Margaret Clerk*, Co. *Armagh*. p. 1.

Twenty drowned, near the water of *Callon*, and ſeveral others murthred. *Ellinor Fullerton*, Co. *Amagh*. p. 2,

Mr. *William Blundell*, drawn by the Neck in a Rope, up and down *Blackwater* at *Charlemont*, to confeſs Money; and three weeks after He, with his Wife, and Seven Children drowned. Forty four at ſeveral times drowned. A Wife compelled to Hang her own Husband, with ſeveral other notorious murders. *Edward Saltenſtall*, *George Litlefield*, Co. *Armagh*. p. 9.

Mr. *Robinſon* the Miniſter, his Wife and three Children, and ſeven more murdered. *Margaret Bromley*, Co. *Armagh*.

Two and Twenty Proteſtants put into a Thatched Houſe in the Pariſh of *Kilmore*, aud there burnt alive. *Ann Smith*, *Margaret Clerk*, *Margaret Fillis*, Co. *Armagh*. p. 1. *Chriſtopher Stanhaw*, *Ellin. Fullerton*, *Ellin. Patchet*, Co. *Armagh*, p. 2. *Jone Conſtable*, Co. *Armagh*. p. 1, 2. *Captain Jr. Perkins*, Co. *Tirone*. p. 9.

The Lord *Canfield* murdered.

Doctor *Hodges*, with Forty three more murthered within a Quarter of a Mile of *Charlemont*. *Elizabeth Price*, Co. *Armagh*. p. 1, 2.

The Wife of *Arnold Taylor*, great with Child, had her Belly ript up, then drowned. *Eliz. Price*, Co. *Armagh*. p. 8, 9.

Thomas Maſon buried alive.

Seventeen Men Women and Children, caſt into a Bog-pit in the Pariſh of *Dumcrees*, many more murdered. *Tho. Green*, Co. *Armagh*. p. 1.

Fifteen hundred murthered in three Pariſhes. Twenty ſeven more murthered, Mr. *Cambel* drowned. *James Shaw*, Co. *Armagh*. p. 1.

Three hundred Proteſtants ſtript naked and put into the Church of *Log hall*, whereof about a Hundred murthered within the Church, amongſt whom *John Gregg* was Quartered alive; his Quarters thrown into the Face

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of *Richard Greg* his Father. The ſaid *Richard* was after there murdered, having received ſeventeen or eighteen wounds, after cut into Quarters in this Deponents (his Wives) preſence. Such as were not murdered, were turn'd out a begging amongſt the *Iriſh* naked, and into the Cold, moſt of which were killed by *Iriſh* Trulls and Children. *Alice Greg*, Co. *Armagh*. p. 1.

ROWRY Mac-Guire, *upon the Twenty fourth of* October, 1641. *came with his Company into* Liſſenskeath, *and deſired in a friendly manner to ſpeak with Maſter* Midleton, *who had the keeping of the Caſtle; The firſt thing he did, as ſoon as he was entred therein, was to burn the Records of the County, whereof Maſter* Midleton *was the Keeper. being Clerk of the Peace, which he enforced him to deliver unto him, as likewiſe one Thouſand Pounds he had in his hands of Sir* William Balfoures; *which as ſoon as he had, he compelled the ſaid* Midleton *to hear Maſs, and Swear never to alter from it; and immediately after cauſed Him, his Wife and Children to be hanged up; and hanged and murdered an hundred Perſons, beſides at leaſt in that Town.* Theſe particulars, and ſeveral others are ſet down at large in a Relation ſent by Sir *John Dunbarr* Knight, one of the Juſtices of the Peace, within the County of *Fermanagh*.

WIlliam Clarke *of the County of* Armagh, *Tanner ſaith, That he with a Hundred Men Women and Children, or thereabouts, were by the Rebels driven like Hoggs about Six Miles to a River called the* Band: *In which place the aforeſaid Chriſtians were moſt barbarouſly uſed, by forcing them to go faſt with Swords and Pikes thruſting them into their ſides; and they murdered three by the way, and the reſt they drove to the River aforeſaid; and there forced them to go upon the Bridge which was cut down, and with their Pikes and Swords and other Weapons thruſt them down headlong into the ſaid River, and immediately they periſhed; and thoſe who aſſayed to Swim to the Shore, the Rebells ſtood and Shot at*, Jurat. 7. Jan. 1641.

ELizabeth *the Wife of Captain* Rue Price, *of the Town and County of* Armagh *Depoſeth; That five of her Children together with a Hundred and ten other Proteſtants, out of the Pariſhes of* Armagh, Laugaule, *and other places were ſent away with Paſſes from Sir* Phelim O Neale, *with promiſes ſafely to be conveyed over to their friends in* England: *That their Conductor was Captain* Manus O Cane, *and his Souldiers, who having brought, or rather driven them like Sheep, or Beaſts to the Bridge of* Portuedowne, *there forced, or threw all thoſe poor Proteſtants into the Water together, with the Deponents five Children, and then and there drowned moſt of them: And thoſe who could Swim and come to the Shore, they either knocked them on the head, and ſo after drowned them, or elſe ſhot them to Death in the Water*, Jurat. 29. Jan. 1641.

ELizabeth Price *Depoſeth; That when as divers of the* Engliſh *were about to be murdered, and deſired the Rebells on their knees to admit them to make their Prayers to God: The Rebells have often in her the Deponents hearing, anſwered and ſaid, in* Iriſh, *bequeath your Soul to the Devil; and at other times the Rebells would ſay, why ſhould you Pray, Your Soul is with the Devil already? And with thoſe Words in their Mouths, would Slaughter and put them to Death.* Jurat, ut Supra. January. 1641.

JOhn Cregge *in the County of* Armagh, *Yeoman, Depoſeth, That in the Pariſh of* Levilegiſh, *there were divers* Engliſh *men cruelly murdered, ſome twice, ſome thrice hanged up and others wounded and left half dead, crying out lamentably for ſome to come and end their miſeries by killing them*, Jurat. January, 7. 1641.

Ann

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ANN *the Wife of* Mervin Madesly, *late of the City of* Kilkenny, *Gent. Sworn and Examined, Deposeth, That some of the Rebels in* Kilkenny *aforesaid, struck and beat a Poor English Woman until she was forced into a Ditch where she died: Those Barbarous Rebels having first ript up her Child of about six Years of Age, and let her Gutts run about her heels,* Jurat.

JAmes Geare, *of the County of* Monaughan *Deposeth. That the Rebells at* Clewnis *murdered one* James Nettervile, *Proctor to the Minister there, who although he was diversly wounded, his Belly ript up, and his Entrils taken out and laid above a yard from him yet he bled not at all, until they lifted him up and carried him away; at which this Deponent being an Eye Witness much wondred; and thus barbarously they used him after they had drawn him to go to Mass with them.* Jurat. April. 6. 1641.

PHilip Taylor, *late of* Portuedowne, *Deposeth, that the Rebels killed a Dyers Wife at* Rosie Trever, *at the* Newry, *and ript up her Belly, she being great of two Children, and threw her and her Children into a Ditch, and that he this Deponent, drove away Swine from eating one of the Children,* jurat.

JOhn Stubs, *of the County of* Longford, *Gent. Deposeth, that he heard by some of the Sheriffs men, That* Henry Mead *and his Wife,* John Bigel, William Stell *and* Daniel Stubs, *the Deponents Brother were put to Death by* Lisagh Farrols, *and* Oliver Fitz-Gerrals *men, who hanged them upon a Windmil and when they were half dead they cut them to pieces with their Skeins.* Jurat. Novemb. 21. 1641.

ELizabeth Price, *Deposeth, that a great number of poor Protestants, especially of Women and Children they pricked and stabbed with their Skeins, Pitch Forks, and Swords, and would slash, mangle, and cut them in their Heads, Breasts, Faces, Arms, and other parts of the Body; but not kill them out right, but leave them wallowing in their Blood, to languish, starve, and pine to Death; and whereas these so mangled, desired them to kill them out of their pain they would deny it; but sometimes after a day or two, They would dash out their Brains with Stones, or by some other cruel way which they accounted done as a favour, of which she hath in many particulars been an Eye witness.* Jurat. June, 29. 1641.

WIlliam Parkinson *of* Kilkenny *Esquire, Deposeth, That the Wife of* John Harvey *told him that she being at* Kilkenny, *and being turned to Mass to save her life, was notwithstanding stript again together with her Children; and one* Purcell *a Butcher, after he had stripped her Daughter of five years of Age, ripped up her Body till her Entrails fell out, whereof she dyed that Night, whereof she complaining to the Mayor of* Kilkenny, *he bid away with her and dispatch her; so as not only the Butcher, but many others did beat and wound her, so as she hardly escaped with her life.* Jurat. ut Supra. No. 21. 1641.

MAry Barlow, *Deposeth, that her Husband being by the Rebels hanged before her face; she and six Children were steipped stark naked, and turned out a begging in Frost and Snow; by means whereof they were almost starved having nothing to eat in three Weeks while they lay in a Cave, but two old Calf skins which they beat with stones, and so eat them hair and all, her Children crying out to her rather to go out and be killed by the Rebels, then to starve there* Jurat.

One

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One hundred and eighty drowned (at twice) at the Bridge at *Callon*: One hundred (ſome ſay two hundred) more in a Lough near *Ballimackilmorregh*. Captain *Anthony Strafford*, Co. *Armagh*. p. 2.

Mr. *Gabriel Conſtable* and his Mother eighty years old, murthered. *Jone Conſtable*, Co. *Armagh*. p. 2.

Five hundred murthered at *Armagh*, beſides forty eight Families murthered in the Pariſh of *Killaman*. Captain *John Perkins*, Co. *Tirone*. p. 6. *Anthony Stafford*, Co. *Armagh*. p. 2.

Three had their Brains knock'd out with a Hatchet in the Church of *Benburb*. Eight Women drowned in a River near the ſame Church. *Chriſtopher Glover* murthered. *John Parry*, Co. *Armagh*. p 2.

Lieutenant *Giles Maxwell* (by order from Sir *Phelim Oneale*) was drag'd out of his Bed (raving in the height of a burning Feaver) driven two miles and murthered, his Wife big with Child ſtript ſtark naked and drown'd in the Black-water, the Child half born. Dr. *Maxwell*. p. 9. Co. *Armagh*. *John Parry*, Co. *Armagh*. p. 3.

Mr. *Starkey* (about one hundred years old) and his two Daughters ſtript naked, the Daughters forced to ſupport and lead their Father (he not being able to go of himſelf) and having gone three quarters of a mile, were all three drowned in a Turf-pit. Dr. *Maxwell*, Co. *Armagh*. p. 9. Captain *John Perkins*, Co. *Tirone*. p. 6, 7.

The County of Caterlagh.

Richard Lake hang'd at *Leighling-bridge*; ſixteen more hang'd nearer that place; two murthered near *Caterlaugh*, two Women hang'd up by the Hair of their Heads all night, the next day being found ſtill alive, they were murthered. *James Shaw*, Co. *Caterlagh*. p. 1.

At or near *Leighlin bridge* three Men with their Wives and Children murthered; one Woman and her Daughter murthered; a Woman newly delivered of two Children, the one of them had his Brains beaten out againſt the Stones, and after thrown into the River *Barrow*, the other deſtroyed, about forty *Engliſh* murthered thereabouts; almoſt all the *Engliſh* about *Gowran* and *Wells* hanged and murthered. Dame *Ann Butler*, Co. *Caterlagh*. p. 1. *Joſeph Wheeler* Eſq; Co. *Kilkenny*. Sir *John Temple*. f. 129.

The County of Cavan.

Proteſtants in great Numbers forced over the Bridge of *Belturbet*, in the County of *Cavan*, and there drowned. *William Worth*, Co. *Gavan*. p. 2. *John Whitſon*, Co. *Cavan*. *Arthur Culm* Eſq; Co. *Cavan*. p. 6. *Robert Bennet*, *Richard Smith*, *Jone Killin*.

The County of Cork.

Thomas Lencome and his Wife hang'd at their own Door, *John Selter* a Miller, cut in pieces hard by *Roſs*. *John Carpenter* and his Wife hang'd in Mr. *Morgan*'s Wood, and their three Children ſtarved in the place. *Mary Tukesbury* hanged near thereunto. Mr. *Tamuſe* a Chyrurgeon-Barber killed in the Streets of *Roſs* by one *Chriſtopher Cloud*. *Peter Perce* of *Roſſcarborough*, C. *Cork*.

An. 1641.

The County of Donnegal.

William Mackenny and his Mother in-Law, and his Wife greatwith Child Murthered, his ſaid Wife having her Belly ript up, and the Child cut out of the Womb. *Ralph Dutton, Ann Dutton*, C. *Donnegal.* p. 2.

The County of Down.

Eighty forced to go on the Ice on *Lough-Earn*, till they brake the Ice, and were drowned. *Peter Hill* Eſq; C. *Down.* p. 13. 14.

Mr. *Tudge* (the Miniſter of *Newry*, Lieutenant *Trevor* and his Wife and twenty four more (ſome count fifty) murthered and cut in pieces at the Paſs of *Ballonery*. *Peter Hill* Eſq; C. *Down*, p. 13. *Elizabeth Pierce*, C. *Down.* p. 1. Captain *Henry Smith*, C. Down. p. 7. *Arthur Macgenis*, C. *Down.* p. 1.

A *Scotchman* being driven out of the *Newry*, was knock'd on the Head by the Rebels, yet recovering himſelf, came naked again into the Town, whereupon the Rebels carried him and his Wife out of Town, cut him all to pieces, and with a Skein rip'd up his Wives Belly, ſo as a Child dropt out of her Womb. *Owen Frankland* of the City of *Dublin*, Sir *John Temple.* Hiſt. p. 96.

A Diers Wife of *Roſs Trevor* was killed at the *Newry*, and her Belly rip'd up by the Rebels (ſhe being great with Child of two Children) who threw her and her Children into a Ditch, and that he this Deponent, drove away Swine from eating one of her Children. *Philip Taylor*, Co. *Armagh*, Sir *John Temple.* Hiſt. p. 97.

The Rebels confeſſed that Colonel *Bryan O Neil* killed about one thouſand in this County, beſides three hundred kill'd at *Killelagh*. Dr. *Maxwell's* Examination.

At *Servagh-bridge* one hundred drowned. More 80. More 60. More 50. More 60. Twenty ſeven men murthered. Captain *Henry Smith*, Co. *Down.* p. 7.

The County of Tipperary.

Four and twenty *Engliſh* after they had revolted to the *Maſs*, murdered at the *Silver-Mines*. *Ann Sherring*, Co. *Tipperary*, p. 1. *Richard Bourk*, C. *Fermanagh*, p. 3. *John Powell*, Co. *Tipperary.* p. 1. *William Tims*, Co. *Tipperary.*

James Hooker Gent. and Mr. *John Stuckley* and ſix more murthered, on Sir *Richard Everet's* Land, Mr. *Richard Walker* and ten more hang'd at *Rathell*. *George Crawford*, and above fifty more murthered. *Joyce* a maid of Mr. *Walker's* buried a live. Mr. *Carr*, Mr. *Garter*, and ſome eighteen hang'd and murthered near *Carſhell*. Mr. *Daſhwood*, to whom the Rebels gave quarter and convoy to *Michaels-Town*, by one *Prender-gaſt-prender* murthered on his own Land. *Ann Long* Widow, Co. *Tipperary*, Examination.

The County of Tyrone.

THE murther of Mr. *John Mather* and Mr. *Blyth*, both *Miniſters* in or near *Dungannon*, though Mr. *Blyth* had Sir *Phelim O Neils* Protection, and ſixty Families of the Town of *Dungannon* murthered. *John Perkins* Eſq; Co. *Tyrone*, p. 1. *Anthony Stratford*, Co. *Armagh.* p. 1.

About three hundred murthered in the way to *Colrain*, by direction from Sir *Phelim O Neil*, and *Firlagh* his Brother. *Idem Perkins*, p. 6.

In

In and about *Dungannon* three hundred and ſixteen murther'd, Between *Charlemont* and *Dungannon* above four hnndred murthered: Drown'd at and in the River of *Benburb*, and *Black water* two hundred and ſix. *Idem, Stratford.* p. 1. 17 *Carol.*

Thirteen murthered one morning by *Patrick Mac Crew* of *Dungannon*: Two young Rebels did murther in the County of *Tyrone* one hundred and forty Women and Children: The Wife of *Bryan Relly* of *Loghgall* murthered five and forty with her own hands. *Idem, Stratfford.* p. 1.

* At a Milpool in the Pariſh of *Killamon*, were drown'd in one day three hundred. *Idem.* p. 2.

Eighteen *Scotch* Infants hanged on Clothiers Tenter-hooks, and one young fat *Scotchman* murthered and Candles made of his Greaſe, another *Scotchman's* Belly ripped up and the end of his ſmall Guts tied to a Tree, then he drawn about till his Guts were pulled out, that they might try (ſaid they) whether a Dogs or a *Scotchman's* Guts were longeſt. *Idem.* p. 3.

The County of Wickloe.

A young Child of a year and a quarter old, of the Deponents, taken from her back, thrown and troden upon, that it died, the Mother and three other Children ſtripp'd naked, ſo as the ſaid Children died, this was done upon the Lands of *Bordkillamore*, about the 11*th* of *November* 1641. *Ann Hill*, Co. *Catherlagh.* p. 1.

The Queens *County.*

John Nicholſon and his Wife murdered by *Florence Fitzpatrick* and his Servants on the Sabbath day, the firſt Deponent hardly eſcaping death for burying them; *Elizabeth Baskervile* ſays, that Mrs. *Fitz-patrick* blam'd the murderers, becauſe they brought not Mrs. *Nicholſon's* Fat for Greaſe, wherewith ſhe might have made Candles. *Walter Diſhcome*, q. C. p. 1. *Emanuel Beale*, q. C. p. 1. *Thomas Berry*, q. C. p. 1. *John Berry*, *Elizabeth Baskervile*, q. C. p. 1.

Thomas Keyes (a Juſtice of Peace of the *Queens* County) Eſq; aged ſixty ſix, and *Thomas Dubbleday* hang'd near *Burrough's Caſtle*, and *Dubbleday* ſhot as he was hanging, both being firſt ſtripped naked, gored and pricked in ſeveral parts of their Bodies. *Thomas Holt*, q. C. p. 1, 2, 3. *Elinor Reges.* q. C. p. 1. *Samuel King*, q. C. p. 2.

Amy Mamphin's Husband murdered, and ſhe compelled to ſtand in his Blood, and ſhe being ſtripped naked, was drawn by the Hair through Thorns, and after ſent away. *Amy Mamphin*, q. C. p. 1.

An *Engliſh* Girl half hang'd and ſo buried. *Joſeph Wheeler* Eſq; C. *Kilkenny*, p. 1.

Six *Engliſh* hanged by *Florence Fitz-patrick* after quarter given, 1641. Lieutenant *Henry Gilbert* q. C. p. 1.

Near *Kilfeckell* an *Engliſhman* and his Wife and four or five Children hang'd by command of Sir *Morgan Kananagh*, and Mr. *Robert Harpole*, all afterwards caſt into one hole, the youngeſt Child, not fully dead, putting up the Hand, and crying *Mammy*, yet buried a live. *William Parkiſon* Eſq; C *Kilkinney.* p. 4,

Mary Harding put in the Stocks and whip'd to death, and her Husband ſtarv'd to death by *Florence Fitz-patrick* and his Followers, after they had given him all their Goods on his promiſe to relieve them and theirs. *Joan Bidel* of *Montrah.*

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The County of Roſcommon.

William Stewart had Collops cut off him being alive, Fire-coals put into his Mouth, his Belly ripp'd up, and his Intrails wrapped about his Neck and Wriſts. *Andrew Adaire* Eſq; C. *Mayo.* p. 6.

The County of Sligo:

Mr. *Thomas Stewart* Merchant, and ſeven and thirty Proteſtants put into the Goal of *Sligo*, all except two or three murdered there the ſame night, by divers breaking in upon them at midnight. *Edward Braxton*, C. *Sligo.* p. 1. *Amy Hawkſworth*, C. *Roſcommon. Ralph Lambert*, C. *Galloway.* p. 3. *Henry Langford, Robert Brown, James Brown*, C. *Roſc.* p. 1, 2, 3. *William Welch*, C. *Sligo.* p. 1. *John Harriſon* Eſq; C. *Sligo.* p. 1. *John Goldſmith* Clerk, C. *Mayo.* p. 8.

Elizabeth Beard was killed in the River by a Frier's man. *Jane Stewart*, C. *Sligo.* p. as her Examination before Sir *George Shurly.*

A Frier with ſome Souldiers undertaking to Conduct Mr. *Thomas Walker* a Miniſter, his Man, and two Gentlewomen from *Roſerk* to *Abbey-boyle*, the Frier riding away, they fell into an Ambuſh laid for them, where Mr. *Walker*, being upon his Knees at Prayer, they cleft his ſkull to his mouth, killed his Man, and ſtripped the Women, one of which was afterwards murder'd at *Ballymoate. John Shrewly* Clerk, C. *Sligo.* p. 1.

Five and forty Men, Women, and Children murdered and deſtroyed neary *Ballyſekerry. Idem.* p. 2.

Mr. *William Ollifant* Clerk, ſtripped half naked at *Temple-houſe*, and after dragged with a Rope about his Neck at a Horſe-heels up and down, becauſe he would not turn Papiſt, another Miniſter at the ſame time murdered 1641. *Andrew Adaire*, C. *Mayo*, p. 4. *Jane Brown*, p. 7. *John Harriſon* Eſq; p. 1.

At *Ardneglas* and *Skreen* about thirty Proteſtants, Men, Women, and Children murdered. *Henry Langford*, C. *Roſcommon.* p. 3.

Ten Men, Women, and Children buried alive near *Titemple* or *Temple-houſe. Andrew Adaire* Eſq; C. *Mayo.* p. 4.

In *Sligo* the Rebels forced one *Lewis* the younger to kill his Father, and then they hang'd the Son. *John Rutledge*, Sir *John Temple*'s Hiſt. p. 100.

Twelve murdered at the *Graige*, one of them, being a Woman great with Child, had her Belly rip'd up, the Child falling out alive, and a Child of a year and a half old hang'd, another of them named *Robert Pyne*, being twice hanged up, was caſt into his Grave, where he ſate up, ſaying, Chriſt receive my Soul, and ſo was buried quick. *Joſeph Wheeler* Eſq; Co. *Killkenny.* p. 5.

At *Balincolough*, within four miles of *Roſs, April* 1642. *John Stone* of the *Graige*, his Sons, his two Sons in Law, and his two Daughters were hanged, one of his Daughters being great with Child, had her Belly rip'd up, her Child taken forth, and ſuch barbarous beaſtly actions uſed to her, as are not fit to be mentioned. *Owen Frankland* of the City of *Dublin.*

The King's *County.*

Mrs. *Jane Addis* of *Kilcourſie*, after her going to Maſs, murdered in her Houſe, having a Child not a quarter old, the murderers putting the dead Woman's Breaſt into the Child's Mouth, bad it ſuck *Engliſh* Baſtard, and ſo left it. *Margaret King*, *King*'s County. p. 1. *James Dowdall*, K. C. p. 3. *John Wild*, C. *Weſtmeath.* p. 1. *Thomas Fleetwood*, C. *Weſtmeath.* p. 5, 6.

17 *Caroli.*

A Woman aged eighty years ſtripp'd naked in Froſt and Snow by two Daughters of *Rowry Coghlan* of *Fercall-Wood*, before whoſe Door ſhe died. *Henry Ayliff*, K. C. p. 1.

Two and twenty Women and ſeveral Children ſtripped naked, who covering themſelves in a Houſe with Straw, the Rebels fired the Straw, and threw it amongſt them to burn them, and they had been burned, had they not been reſcued by others, who turned them out naked in Froſt and Snow, ſo as many died, yea the Children died in their Mothers Arms. *Magdalen Redmain*, K. C. p. 1. *Iſabel Porter*, alias *Bryan*, K. C. p. 1, 2.

Mr. *William Liſton* and Mr. *Thomas Fullerton* Clerks, kept two days without meat or drink, and then murdered near Mannor *Hamilton* twenty four of *January*, 1641. *Andrew Adaire*, C. *Mayo*. p. 6.

An *Engliſh* Child taken by the Heels, had its Brains daſht out againſt a block of Timber. *Andrew Adaire*, C. *Mayo*. p. 6.

The County of Longford.

William Steel and four others hang'd at a Windmill near to *Rackleen* till they were half dead, and then cut in pieces by the Rebels. *John Stobbs*, C. *Longford* p. 1. *Suſanna Steel*, C. *Longford*. p. 2.

The Wife of *Henry Mead* hang'd, the ſaid *Henry* himſelf being placed in a Ring amongſt the Rebels, each of them ſtabbing of him as he was forced to fly from ſide to ſide, and ſo continued till his Shoulder and Breaſt were cut in two with a Bill-hook. *Suſanna Steel*, C. *Lanford*. p. 2.

George Foſter, his Wife and Child, and the Wife of *John Bizell* murdered at *Ballincorr*; one other drowned, ſome Children there buried alive. *Suſanna Steel*. p. 3.

The County of Mayo.

A young Boy, Mr. *Montgomeries* Son, killed by one that had been his School-maſter, the Boy the while crying good Maſter do not kill me, but whip me as much as you will: a Man wounded and buried alive: a Miniſter murdered after he had gone to Maſs: another hanged near *Ballyhen*, *Idem*. p. 9.

At the *Moyne*, alias *Mogne*, fifty nine Proteſtants ſtriped naked, and after barbarouſly murdered, ſome increaſe the Number much. *Thomas Hewet*, C. *Mayo*. p. 6. *Henry Langford*, C. *Roſcommon*, p. 3.

William Gibb and his Wife, both very old, murdered at the *Moyn*. *John Shrewly* Clerk, Co. *Sligo*.

One hundred and twenty Men, Women, and Children ſtripped naked, and after murdered at *Bellick* alias *Belleeke*. *Andrew Addire* Eſq; C. *Mayo*, p. 4, 5.

The County of Dublin.

About the 28*th* of *December* 1641. the Wife of *Joſeph Smithſon* Miniſter, was carried from *Deanſ-grange* near *Dublin* to *Stellorgan*, from thence to *Powerſcourt*, and there ſhe and her Servant hanged. *Joſeph Smithſon*, Co. *Dublin*. p. 1.

Ninety Proteſtants murdered at *Moneagh-Caſtle*: eighty at *Tullaugh Caſtle*: near *Cordiller* three hanged: one more hanged. *Joſeph Sympſon* Gentleman, C. *Fermanagh*. *Thomas Wenſlow*, C. *Fermanagh*. p. 1, 2.

Mr. *Middleton* and one hundred more murdered by *Rowry Mac-guire* at *Caſtleskeagh*. Sir *John Dunbar*'s Relation.

Fourteen Proteſtants hanged. *Robert Flack*, C. *Fermanagh*. p. 2, 3.

Fourteen

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Fourteen Proteſtants in the Pariſh of *Newtown* murdered. *John Parry*, Co. *Fermanagh*.

Eighteen, ſome write ſeventeen, half hanged in the Church of *Clowniſh*, and ſo buried. Mrs. *Aldrich*, Sir *John Temple*, Hiſt. p. 95.

Thirty murdered in the Pariſh of *Clankelly*. *Hugh Stokes*, C. *Fermanagh*.

Twelve more murdered in *Newtown*. *Robert French*, Co. *Fermanagh*.

William Ogden murdered. *Ann Ogden* his Wife, Co. *Ferman*.

Parſon *Flack* and forty more, after promiſe of ſafe conveyance to *Baliſhannon*, drown'd by *Rowry Mac guire* and his Confederates. Sir *John Dunbar*'s Relation.

One hundred fifty and two, another ſays one hundred murdered at *Tully*, after quarter given or promiſed them. *Robert Aldrich*, Co. *Managhan*. p. 1. *Richard Bourk*. C. *Fermanagh*. p. 1.

Fifteen hang'd at *Lowtherſtown*: two murdered at *Kynally*. *Richard Boulk*, Co. *Fermanagh*. p. 1.

A Child of *Thomas Strattons* of *Newton* boild to death in a *Caldron*. *Margaret Parkin*, *Elizabeth Burſell*, Sir *John Temple*'s Hiſt. p. 101.

The County of Galloway.

Sixty five Proteſtants, ſome ſay eighty, ſome ninety, many of them Miniſters, were murdered at the Bridge of *Shreel* alias *Shruel*, *Ludovicus Jones* being amongſt the reſt hurried there to that intent, but eſcaped and died at *Dublin*, aged 104. *Elizabeth Bucanan*, Co. *Mayo*. p. 1. *Henry Bringhurſt*, Co. *Mayo*, p. 2. and Co. *John Goldſmith* Clerk, p. 6. *Henry Langford*, *Robert Brown*, *James Brown*, Co. *Roſcommon*. p. 3. *Thomas Johnſon* Co. *Mayo*. p. 3. *Andrew Adaire* Eſq; Co. *Mayo*. p. 5. *Thomas Hawet*, Co. *Mayo*. p. 3.

The County of Kerry.

Mrs. *Whittell*, her Husband, and eight more murdered on Sir *Valentine Brown*'s Lands, *John* and *Simon Heard* killed near *Caſtle-haven*, Goodman *Cranbee*'s Wife and Children murdered, ſeven drowned by *Daintſaint*'s Rebels. *John Heard* and *Fortune* his Wife of *Kilarney* in the County of *Kerry*.

The County of Kilkenny.

About the 20*th* of *December*, 1641. the Proteſtants were ſtripped naked at *Kilkenny*, and whereas ſome of thoſe ſtripp'd People with Ropes of Straw covered ſome part of their nakedneſs, the Rebels ſet the Straw on fire, thereby burning and grievouſly ſcorching them, ſix Soldiers and two Boys having quarter given them, were nevertheleſs hanged at *Kilkenny*. *John Maior* of the City of *Kilkenny*, p. 1, 3.

A young Girl ſtrip'd about *Eaſter* 1642. in the City of *Kilkenny* by a Butcher, her Belly ript up that her Intrails fell out, where the Mayor, upon complaint of the Mother, bad away with her and diſpatch her, whereupon the Mother received ſeventeen or eighteen wounds, and her other Child was alſo extreamly wounded, and all forced out of the City by Men, Women, and Boys throwing Stones and Dirt at them, ſo as the two Children died in a Ditch. *William Parkinſon*, C. *Kilkenny*. p. 4. *James Benn*, City *Kilkenny*. p. 1, 4. *John Maire*, City *Kilkenny*. p. 2, 3. *Ann Madſley*, Co. *Kilkenny*, Sir *John Temple*, Hiſt. p. 96.

JOhn Duffield, *of the County of* Armagh, *Gent. depoſeth, That the Rebels wounded* John Ward *and* Richard Duffield, *ſo as they thereof died, and that their Wives, and the ſaid* Johns *ſix Children, being all ſtript, died of want and*

17 Caroli.

and cold. And further ſaith, that many thouſands of Proteſtants, Men, Women, and Children, being ſtripped of their Cloaths, died alſo of cold and want in ſeveral parts of the Country. Jurat. Auguſt, 9. 1642.

ADam Clover *depoſeth, That he ſaw upon the High-way a Woman left by the Rebels, ſtripped to her Smock, ſet upon by three Women and ſome Children being* Iriſh, *who miſerably rent and tore the ſaid poor* Engliſh *Woman, and ſtripped her of her Smock, in a bitter Froſt and Snow, ſo that ſhe fell in Labour in their hands; and both ſhe and her Child died there.* Jurat. 4. Jan. 1641.

JAne, *the Wife of* Gabriel *Conſtable, late of* Drumcad, *in the County of* Armagh, *Gent. ſworn and examined, ſaith, That her Husband and his Mother, about* 88 *years old, and his Brother, being murdered by the Rebels in the Pariſh of* Kilmore, *a great number of Proteſtants were about* Candlemas, 1641. *by the means and inſtigation of* Joane Hamskin, *formerly a Proteſtant, but a meer* Iriſh *Woman, and lately turned to Maſs, and of divers other her Aſſiſtants, forced and thruſt into a Thatcht Houſe, within the Pariſh of* Kilmore, *and then and there, the Proteſtants being almoſt naked, covered with Rags only, the ſame Houſe was by that bloody Woman, and her barbarous Aſſiſtants, ſet on Fire, in ſeveral parts thereof, the poor impriſoned parties (who were by armed parties kept there locked in) were miſerably burned to death, and at length the Houſe fell upon them, and the combuſtible part of the Houſe being conſumed, before the Bodies of all thoſe miſerable Wretches were burned to aſhes, the bodies of many of them lay there in holes, to the great terror of the beholders that were Proteſtants; three only eſcaped out of a hole in the Houſe, and the reſt that attempted to eſcape the flames, were then and there forced and thrown in again, and ſo burned to death.* Jurat. 16. June 1642.

THomas Green, *in the Pariſh of* Dumeres, *in the County of* Armagh, *Yeoman, and* Elizabeth *his Wife, ſworn and examined, ſaith, That the Deponent* Tho. Green *hardly eſcaped away with his life, but that the other Deponent, and ſix Children, were all left among the Rebels, and ſo ſtripped of their Cloaths, and hunger ſtarved, that five of the Children died; and ſhe, this Deponent, being put to beg among the mercileſs Rebels, was at length reſcued from them by the* Scottiſh *Army. She further ſaith, that the Rebels did throw in a Bogg* 17 *Men, Women and Children, at one time, within the ſaid Pariſh: And ſhe is verily perſwaded, that the Rebels, at ſeveral times and places, within the County of* Armagh, *drowned above* 4000 *Proteſtants, enforcing the Sons and Daughters, of thoſe very aged people, who were not able to go themſelves, to take them out of their Beds and Houſes, and to carry them to drowning; eſpecially in the River of* Toll, *in the Pariſh of* Loughall. Jurat. Nov. 10. 1643.

JOhn Clarke *of* Knockback, *Gent. depoſeth, That he heard credibly from Mr.* Lightboun, *Miniſter of the* Naas, *that the Rebels ſhot a Pariſh Clerk, near* Kildare, *through both his Thighs, and afterwards digged a deep hole in the ground, wherein they ſet him upright on his feet, and filled up the hole in the Earth, leaving out only his Head in which ſtate and poſture they left the poor wounded man, till he pined, languiſhed, and ſo died.* Jurat. 24. October 1643.

CHriſtian Stanhaw, *the Relict of* Henry Stanhaw, *late of the County of* Armagh, *Eſq; depoſeth, That a Woman that formerly lived near* Laugale, *abſolutely informed this Deponent, that the Rebels enforced a great number of Proteſtants, Men, Women and Children, into a Houſe, which they ſet on fire purpoſely to burn them, as they did; and ſtill, as any of them offered to come out to ſhun the Fire, the wicked Rebels, with Scythes which they had in their hands,*

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cut them in pieces, and caſt them into the fire, and burned them with the reſt. Jurat. 23. July 1642.

EDward Salinſtale *depoſeth, That the Rebels killed* William Loverden *when he was naked, his Wife and Children looking on, and cutting off his Head, held it up to his Wife and Children, and his ſorrowful Wife taking his Corps, and burying it in a Garden,* Patrick O Dally, *a Rebel, took it up and threw it into a Ditch.* Jurat. ut ſupra.

THomas Green, *and* Elizabeth *his Wife, depoſe, That the Rebels at ſeveral times murdered, killed and deſtroyed, the moſt part of the Proteſtants in the Pariſh of* Dumeres, *being about* 300; *and indeed, moſt of the Proteſtants in all the County thereabouts, did they kill and deſtroy, by drowning, hanging, burning, the ſword, ſtarving, and other deaths, expoſing their ſlaughter'd Bodies to be devoured by Dogs, Swine, and other ravenous Creatures. And this Deponent* Elizabeth, *ſaw the Dogs feed upon thoſe dead Carcaſſes.* Jurat. Nov. 10. 1643.

ARthur Agmoughty *depoſeth, That during the Siege of* Caſtle Forbez, *the Rebels killed poor Children that went out to eat Weeds or Graſs; and that a poor Woman, whoſe Husband was taken by the Rebels, went to them with two Children at her feet, and one other at her breaſt, hoping to beg her Husbands life, but they ſlew her and her ſucking Child, broke the Neck of another of her Children, and the third hardly eſcaped.* Jurat. Sept. 23. 1643.

JAne, *the Relict of* Gabriel Conſtable, *depoſeth, That the Rebels half killed one* Ellen Millington, *and then put her into a dry hole, and made her faſt in with Stones; whereof ſhe languiſhed and died. The Rebels bragged how many of them went to ſee her kick and toſs in the hole, her Husband being formerly murdered by the Rebels.* Jurat. ut ſupra.

ELizabeth Champion *depoſeth, That when the Rebels had ſet the Caſtle of* Liſgoole *on fire, upon the Proteſtants there encloſed, and ſaw the ſaid Houſe ſo burning, they ſaid among themſelves rejoycingly, Oh, how ſweetly do they fry.* Jurat. ut ſupra.

ALexander Creighton *of* Glaſlough, *in the County of* Monaghan, *Gent. depoſeth, That he heard it credibly reported, among the Rebels aforeſaid, at* Glaſlough, *that* Hugh Mac O Degan, *a Prieſt, had done a moſt meritorious act in drawing betwixt* 40 *and* 50 Engliſh *and* Scots, *in the Pariſh of* Ganalley, *in the County of* Fermanagh, *to reconciliation with the Church of* Rome, *and after giving them the Sacrament, demanded of them whether Chriſts Body was really in the Sacrament or no; and they ſaid, yea. And that he demanded of them further, Whether they held the Pope to be Supream Head of the Church; they likewiſe anſwered he was. And that thereupon, preſently told them they were in a good Faith, and for fear they ſhould fall from it, and turn Hereticks, he, and the reſt that were with him, cut all their Throats.* Jurat. March 1. 1641.

The Examination of Anne, *the late Wife of* John Sherring, *late of the Territory of* Ormond, *near the Silver-works, in the County of* Tipperary, *aged about 25 years, ſworn and examined, depoſeth and ſaith,*

THat about *Candlemas* was two years, the ſaid *John Sherring*, her then Husband, going from his Farm which he had held from Mr. *John Kenedy*, Eſq; near to the Silver-works, one *Hugh Kenedy*, one of the Brothers

thers of the ſaid *John Kenedy*, a cruel Rebel, together with a great multitude of *Iriſh* Rebellious Soldiers, then and there, fiercely aſſaulted, and ſet upon her ſaid Husband, and upon one *William Brock*, *William Laughlin*, *Tho. Col'op*, and eight more *Engliſh* Proteſtant men, and about ten Women, and upon ſome Children in their Company, and then and there ſtript them of their Cloathes; and then with Stones, Pole-Axes, Skeins, Swords, Pikes, Darts, and other Weapons, moſt barbarouſly maſſacred and murdered her ſaid Husband, and all thoſe Proteſtant Men, Women, and Children. In the time of which Maſſacre, a moſt loud and fearful noiſe, and ſtorm of Thunder, Lightning, Wind, Hail-ſtones, and Rain, began; the time being on a Sabbath day, an hour before Night. 17 *Caroli.*

The Examination of Jane, *the Wife of* Thomas Steward, *late of the Town and County of* Sligo, *Merchant, Sworn and Examined before His Majeſties Commiſſioners in that behalf: Authoriſed, Depoſeth and ſaith.*

Province of *Canaugh.*

THAT after the preſent Rebellion was begun (*viz.*) about the beginning of *December*, 1641. Her ſaid Husband living as a Merchant in the Town aforeſaid, with her this Deponent, as for twenty ſix years he had done, in very good Eſtate and Condition; and having continually furniſhed the Inhabitants of that part thereabouts, with all ſorts of Wares and Merchandize: and by that courſe having acquired and gained to himſelf an Eſtate of good value. He the ſaid *Thomas Steward*, and ſhe this Deponent then poſſeſſing that Eſtate were then at *Sligo* aforeſaid; by *Andrew Creane* of *Sligo* Eſq; then High Sheriff of that County, *Neil O Hart* of *Donelly* in the ſaid County Gentleman, *Roger O Conner* of *Skarden* in the ſame County Gentleman, *Donnel O Conner* of Gentleman, Brother in Law to *Peige O Conner Sligo*, *Richard O Crean* of *Tirreragh* Gentleman, *John O Crean* Eſq; and a Juſtice of Peace, Son to the ſaid *Andrew Crean*, *Anthony Screane*. of near *Bally-Shanny*, Gent. forcibly deprived, robbed and diſpoiled of their Houſhold Goods, Wares, Merchandize, Specialties, Cattle, Horſes, Plate, Money, and other Goods and Chattles of the value of 1200 *l.* Sterling, or thereabouts; which Robbery and Outrage, was committed in or about the beginning of *December* aforeſaid, at the very time of the Rebells ſurprizing, robbing and pillaging of all the *Engliſh* and *Scots* of the Town of *Sligo*.

Captain Anthony Stratford *of* Charlemount, *in the County of* Armagh, *Eſq; Aged Threeſcore Years or thereabouts: Sworn and Examined before his Majeſties Commiſſioners; by virtue of a Commiſſion in that behalf; Directed under the Great Seal of* Ireland: *Depoſeth, and ſaith.*

THAT theſe Proteſtants Miniſters following, in the preſent Rebellion, were murderd in the Counties of *Tyrone*, *Armagh*, (*viz.*) *Mr. John Mathews*, *Mr. Blyth*, *Mr. Huſtings*, *Mr. Smith*, *Mr. Durragh*, *Mr. Birge*, and Eight more, whoſe Names this Deponent hath forgotten, by the Rebels, none of which would the Rebels permit to be buried. The names of ſuch as were murdered, this Examinant knoweth not; his cauſe of knowledge of the ſaid murthers is, that ſome of this his Deponents Servants who were among the Rebels did give him the relation; and he verily believeth them: and beſides this Deponent heard the ſame confeſſed and averred by many of the Rebels themſelves, and by ſome of thoſe Proteſtants that had eſcaped: And that he this Deponent was a Priſoner among the Rebels, at *Caſtle Canfield*, near the place of thoſe Murdered, where he

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continued fourteen Months, And further ſaith, that in *Dungannon*, in the County of *Tyrone*; or near thereunto, the Rebels murdered three hundred and ſixteen Proteſtants, and between *Charlemount* and *Dungannon*, above four hundred that were murdered and drowned, at, and in the River by *Benburgh*, the *Black water*, between the Counties of *Armagh* and *Tyrone*, two hundred and ſix Proteſtants. And *Patrick Mack Crew* of *Dugannon* aforeſaid, murdered thirty one, in one morning; and two young Rebels (*viz.*) *John Beg*, *Brian Harie*, murdered in the ſaid County of *Tyrone*, one hundred and forty poor Women and Children that could make no reſiſtance: And that the Wife of *Brian Kelly* of *Loghall*, in the County of *Armagh* (one of the Rebels Captains) who did with his own hands murder forty five. And this Deponent further ſaith, that one *Thomas King*, ſometimes Serjeant to the late Lord *Caulfields* Company (which this Deponent Commanded) he being enforced to ſerve under the Rebels, and was one of their provoſt Marſhals, gave the Deponent a liſt of every Houſeholders name ſo murdered, and the Number of the Perſons ſo murdered, which liſt this Deponent durſt not keep. At *Portuadowne*, there were drowned at ſeveral times about three hundred and eight, who were ſent away by about forty or ſuch like number at once with Convoyes, and there drowned. There was a *Lough* near *Loghall* aforeſaid, where were drowned above two hundred; of which this Deponent was informed by ſeveral perſons, and particularly by the Wife of Dr. *Hodges*, and two of her Sons who were preſent, and deſigned for the like end; but by Gods mercy, that gave them favour in the Eyes of ſome of the Rebels they eſcaped: and the ſaid Mrs. *Hodges*, and her Sons gave the Deponents, a liſt of the Names of many of thoſe that were ſo drowned; which the Deponent durſt not keep: and ſaith that the ſaid Doctor *Hodges*, was employed by the ſaid Sir *Phelim O Neale* to make Powder, but he failing of his undertaking was firſt half hanged then cut down, and kept Priſoner three months, and then murdered with forty four more within a quarter of a mile of *Charlemont* aforeſaid, (they being by *Tirlogh Oge O Neile*, Brother to Sir *Phelim*, ſent to *Dungannon* Priſoners and in the way murdered.) This Deponent was ſhewed the Pit where they all were caſt in.

At a Mill pond in the Pariſh of *Killamen*, in the County of *Tyrone*; there were drowned in one day three hundred, and in the ſame Pariſh there were murdered of *Engliſh* and *Scots*, twelve hundred as this Deponent was informed by Mr. *Birge*, the late Miniſter of the ſaid Pariſh, who certified the ſame under his hand; which note the Deponent durſt not keep: The ſaid Mr. *Birge*, was murdered three months after; All which murders were in the firſt breaking out of the Rebellion, but the particular times this Deponent cannot remember, neither the perſons by whom they were Committed. This Deponent was credibly informed by the ſaid Serjeant, and others of this Deponents Servants; (who kept Company with the Rebels at the ſame time) that many Young Children were cut into pieces and Gobbets by the Rebels; and that eighteen *Scottiſh* Infants were hanged on a Clothiers Tenter-hooks, and that they murdered a Young Fat *Scotch man*, and made Candles of his Greaſe: They took another *Scotchman* and ript up his Belly; that they might come to his ſmall Gutts, the one end whereof they tyed to a Tree, and made him go round until they had drawn them all out of his body; They then ſaying that they would try whether a Dogs or a *Scotchmans* Guts were the longer.

Depoſed March 9. 1643. *before us*
Henry Jones, Henry Brereton.

Anthony Stratford.

The

17 *Caroli.*
Province of *Ulſter.*

The Examination of Robert Maxwell, *Clerk, Arch-Deacon, of* Downe, *Sworn and Examined, Depoſeth and ſaith,* Inter alia.

THAT by Command from Sir *Phelim O Neal,* the Rebels dragged the Deponents Brother, Lieutenant *James Maxwell,* out of his bed, in the rage and height of a burning Feaver; and leaſt any of his Acquaintance and Friends ſhould bury him, they carried him two miles from any Church, and there cruelly butchered him, when he neither knew what he did or ſaid: And thus Sir *Phelim* paid him 260*l.* which he owed him; and his Wife *Griſwell Maxwell* being in Child-birth, the Child half Born and half Unborn; they ſtript ſtark naked, drove her about an Arrows flight to the *Black water* and drowned her: The like they did to another *Engliſh* Woman in the ſame Pariſh, in the beginning of the Rebellion, which was little inferiour, if not more unatural, and barbarous than the Roaſting of Mr. *Watſon* alive, after they had cut a Collop out of either buttock. And further ſaith, that a *Scottiſh* Woman was found in the *Glinwood,* lying dead, her belly ripped up, and a living Child crawling in her Womb, cut out of the Cawle: and that Mr. *Starkey,* Schoolmaſter at *Armagh,* a Gentleman of good Parentage and parts, being upwards of an hundred years of Age, they *ſtript naked,* and cauſed two of his Daughters, Virgins, being likewiſe naked to *ſupport him under each Arm,* he being not able to go of himſelf: And in that poſture carried them all three a quarter of a mile *to a Turf pit, and drowned them, feeding* the Luſts of their Eyes, and the cruelty of their hearts, with the ſelf-ſame objects at the ſame time. At the Siege of *Augher,* they would not kill any *Engliſh* Beaſt and then eat it, but they cut Collops out of them being alive, letting them Roar till they had no fleſh upon their backs, ſo that ſometimes a Beaſt would live two or three days together in that Torment: The like they did at *Armagh.*

Province of *Lemſter.*

The Examination of Dame Ann Butler, *Wife unto Sir* Thomas Butler *of* Rathealin, *in the County of* Catherlagh *Knight; duly Sworn Depoſeth.*

THAT after *Walter Bagnall* of *Dunlikny,* in the County of *Catherlagh* Eſquire, and *Walter Butler* with a great number of men, had in a violent manner entred this Deponents Houſe, they not being able to reſiſt, they ſet a ſtrict Guard over this Deponent, her Husband and Family, and brought them from their ſettled dwelling unto *Loghlin* Bridge; where they kept her ſelf, and Husband, and Children in reſtraint for two Weeks; and from thence conveyed them with ſtrict Guard to the Town of *Kilkenny*: And there they were brought before the Lord *Mount Garrot,* where *Walter Bagnall,* and *James Butler,* Brother to the Lord *Mount Garrot*; did uſe all means poſſible to move the ſaid Lord to put this Deponent, her Husband and Family to Death, and Torture; alledging that they were rank Puritan Proteſtants, and deſperately provoking uſed theſe words, ſaying, There's but one way, we or they; meaning Papiſts or Proteſtants muſt periſh. To which malicious provocation the ſaid Lord did not hearken. And this Deponent further Depoſeth, That *Walter Bagnall,* with his Rebellious Company, apprehended *Richard Lake,* an *Engliſh* Proteſtant and his Servants, with his Wife and four Children; and one *Richard Taylor,* of *Loghlin* Bridge, his Wife and Children; *Samuel Hatter* of the ſame, his Wife and

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Children: An *Engliſh* Woman called *Jone* and her Daughter: And was credibly informed, by *Dorothy Renals*, who had ſeveral times been an Eye witneſs of theſe lamentable ſpectacles, that ſhe had ſeen to the number of thirty five *Engliſh* going to Execution, and that ſhe had ſeen them when they were Executed, their bodies expoſed to devouring Ravens, and not afforded ſo much as a burial. Another *Engliſh* Woman who was newly delivered of two Children in one Birth, they violently compelled, in her great pain and ſickneſs to riſe from her Childbed, and took the Infant that was left alive, and daſhed it's Brains againſt the Stones, and after threw it into the River of the *Barrow*; and having a piece of Salmon to Dinner, Mr. *Brian Cavanagh*'s Wife being with her, ſhe the ſaid Mrs. *Cavanagh* refuſed to eat any part of the Salmon, and being demanded the reaſon, ſhe ſaid ſhe would never eat any Fiſh that came out of the *Barrow*, becauſe ſhe had ſeen ſeveral Infants Bodies, and other Carkaſſes of the *Engliſh* taken up in the *Wear*.

And this Deponent ſaith, That Sir *Edward Butler*, did credibly inform her, that *James Butler* of *Finnyhinch*, had hanged and put to Death all the *Engliſh* that were at *Gorane* and *Wells*, and all thereabouts.

And further Depoſeth, that ſhe being in *Kilkenny* a Priſoner in reſtraint, and having Intelligence that ſome of her own Cattle were brought thither, by *Walter Bagnall*; ſhe Petitioned (being in great Extremity) to the Lord of *Mount Garrot*, to procure her ſome of her own Cattle for her relief; whereupon he recommended her Suit to the Mayor and Corporation of *Kilkenny*; who concluded becauſe ſhe and her Family were Proteſtants, and would not turn to Maſs, they ſhould have no relief: *Jane Jones*, Servant to the Deponent, did ſee the *Engliſh* formerly ſpecified going to their Execution, and as ſhe conceived they were about the Number of thirty five, and was told by *Elizabeth Homes*, that there were forty gone to Execution.

Jurat 7. *September*, 1642.
John Watſon.

Ann Butler.

KAtherine the Relict of *William Coke*, late of the County of *Armagh*, Carpenter, Sworn and Examined, ſaith, That about the twentieth of *December*, 1641. A great number of Rebels in that County, did moſt barbarouſly drown at that time a hundred and eighty Proteſtants, Men, Women and Children, in the River, at the Bridge of *Portuedowne*, and that about nine days afterwards, ſhe ſaw a Viſion, or Spirit, in the ſhape of a Man, as ſhe apprehended, that appeared in that River, in the place of the drowning, bolt upright, Breaſt high, with hands lifted up, and ſtood in that poſture there until the latter end of *Lent* next following; about which time, ſome of the *Engliſh* Army Marching in thoſe parts, whereof her Husband was one (as he and they confidently affirmed to this Deponent) ſaw that Spirit, or Viſion ſtanding upright, and in the poſture aforementioned; but after that time the ſaid Spirit, or Viſion vaniſhed, and appeared no more that ſhe knoweth: And ſhe heard, but ſaw not, that there were other Viſions and Apparitions, and much Shrieking, and ſtrange noiſe heard in that River, at times afterwards.

ELizabeth, the Wife of Captain *Rice Price*, of *Armagh*, Depoſeth, and ſaith, that ſhe and other Women, whoſe Husbands were murdered, hearing of divers Apparitions, and Viſions; which were ſeen near *Portuedowne* Bridge, ſince the drowning of her Children, and the reſt of the Proteſtants there, went unto the Bridge aforeſaid, about Twilight in the Evening,

ning, and that then, and there upon on a ſudden, there appeared unto them a Viſion, or Spirit aſſuming the ſhape of a Woman, Naked, with Elevated and cloſed hands, her hair hanging down, very white, her Eyes ſeemed to twinkle, and her Skin, as white as Snow, which Spirit ſeemed to ſtand ſtrait upright in the Water, often repeating the word, *Revenge, Revenge, Revenge*; whereat this Deponent and the reſt being put into a ſtrong Amazement, and affright; walked from the place, *Jurat. 29. Jan.* 1642. 17 *Caroli.*

Elizabeth Price, Wife of *Michael Price* of the *Newry*, Depoſeth, that Sir *John Mac-Gennis*, ſuffered his Soldiers the Rebels to kill Mr. *Turge*, Miniſter of the *Newry*, and ſeveral other Proteſtants; and he the ſaid Sir *John Mac Gennis* on his death-bed, was ſo much affrighted, with apprehenſion that the ſaid Mr. *Turge* ſo ſlain, was ſtill in his preſence; as that he commanded no Proteſtant from that time ſhould be ſlain, but what ſhould be killed in Battel; and after his Death Sir *Con Mac-Gennis* his Brother would have obſerved his directions, but one *John Mac Genis*, Young Lord of *Evagh*, and Monk *Crely*, were earneſt to have all the reſt of the Proteſtants put to Death.

The end of the firſt Chapter, touching the *Iriſh* Rebellion.

We now return to other Tranſactions in the Month of *November*, 1641.

THE Houſe of Commons this day proceeded to read the Papers ſent up by the Committee, in *Scotland*, containing the Depoſitions taken in that Kingdom, concerning the Plot againſt the Lives of Marqueſs *Hamilton*, the Earl of *Argyle*, and the Earl of *Lanerick* (the Marqueſſes Brother) The firſt Examination that was read, was of Mr. *William Murray*, of his Majeſties Bed-Chamber, taken before a Committee in *Scotland*, *October*, 27. 1641. Wherein he ſhewed what diſcourſe had paſſed between himſelf, and the Earl of *Montroſs*; and that the Earl of *Montroſs* writ a Letter to the King, touching matters relating to the Kings Crown, and Honour: He further Depoſed, That Colonel *Cockrain* deſired to ſpeak privately with his Majeſty, then at *Edenburgh*; ſaying, he would not declare what he had to ſay to any other, That the Examinate did bring him privately to the King; and that he ſpake ſomething concerning Marqueſs *Hamilton*, and the Earl of *Argyle*. And that afterwards the Examinate diſcourſed with the Earl of *Crawford*, and asked him, if he had heard of the Earl of *Montroſſe*'s Letter to the King, in which the ſaid Earl accuſed Marqueſs *Hamilton* of High Treaſon; the Earl of *Crawford* replied, That the Marqueſs of *Hamilton* was a Traytor, but denied that he ſaid to Colonel *Cockrain*, That he would have all the Traitors Throats Cut.

Novemb. 5. A Plot in *Scotland* to ſeize *Hamilton*, his Brother *Lanerick* and the Earl of *Argyle*.

The Lord *Amond* being Examined the ſame day, declared there was much diſcourſe had at his Houſe, when Mr. *Murray*, the Earl of *Crawford*, and others were there; but ſpoke very faintly as to particulars.

Colonel *Cockran* gave his relation in writing, and ſaid he was no Subject, that would not wholly ſubmit to his Majeſty; and told Mr. *Murray* that he thought the Marqueſs *Hamilton*, and the Earl of *Argyle* hindred the Peace of the Country; and that they muſt be ſequeſtred: And further ſaid, That upon *Monday* the Earl of *Crawford* ſaid, he thought *the Traitors Heads muſt be Cut* off.

Lieutenant Colonel *Hume* was Examined, *Octob.* 26. who ſaid, That having lately diſcourſed with the Earl of *Crawford*, he thereby diſcovered a deſign, which was to be put in Execution; and acquainted General *Leſley*, Marqueſs *Hamilton*, and the Earl of *Argyle* therewith; declaring that their

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Captain *Steward*, ſet forth to the Committee, *Octob.* 24. much of the deſign, adding, That the Earl of *Lanerick* (the Marqueſſes Brother) was alſo to be taken with them; And that there was a great Faction of Noblemen, and others preſent in *Edenburgh*, who were able (as he ſaid) to ſuppreſs the Marqueſs, and the Earl of *Argyle*, and their Party.

Theſe Papers being read in the Houſe of Commons, Mr. *Hollis* moved and was ſeconded by others; That there might be a Conference with the Lords about this matter, which was ordered accordingly, and the ſaid Papers were Imparted to the Lords at a Conference.

A brief Account of this deſign againſt *Hamilton*, &c. as tis ſet forth in *Hamiltons* Memoirs, *p.* 184, and 185.

That a Gentleman not known to the Marqueſs, brought him and the Earl of *Argyle* the diſcovery of a Plot, which, he ſaid, was laid for their Lives, and the Life of the Earl of *Lanerick*: Which he ſaid, he could juſtifie by one witneſs, that was invited to the execution of it, He told alſo a long formal ſtory of the Perſons to be Actors, and of the time, place, and manner: And ſaid it was to be executed that very Night. This the Marqueſs carried to the King, without naming the particulars; but by the Law of *Scotland*, ſince he had but one witneſs to prove the deſign it was not ſufficient: The King deſired him to Examin the thing to the bottom, and bring him what further Evidence he could find: In the Evening other preſumptions were brought to the Marqueſs, but no clear proof; However the matter had taken wind, and was got in every bodys mouth, ſo that all who depended on theſe Lords came about them in great numbers: And thoſe on whom the deſign was faſtned, gave out, it was a Forgery to make them odious, and gathered alſo together; The Marqueſs *&c.* hearing this did not ſtir out of doors, leſt ſome of their too officious followers ſhould raiſe Tumults, and next day in the Evening, he with the Earl of *Argyle*, and his Brother the Earl of *Lanerick*, and half a dozen Servants went out of Town to his Houſe of *Keneele*, twelve miles from *Edinburgh*, and ſent his excuſe to his Majeſty, with an Account of the reaſons; Upon this many diſcourſes were raiſed, people of all ſides paſſing Conſtruction as they were affected: But the Parliament took the matter into Conſideration, before whom thoſe that had given the Information owned what they had ſaid, and thoſe on whom the Plot was charged, did as poſitively deny all; ſo that no clear proof being brought, the Parliament could come to no other deciſion, but that the Lords had good reaſon to withdraw themſelves, and ſo they were invited to return to their place in Parliament. However this was a tedious buſineſs, and put a great ſtop to the ſettlement betwixt the King and that Nation. ——Thus that Author.

Wedneſday, November the 10*th* 1641.

The Lord Keeper reported the Conference with the Commons yeſterday, That Mr. *Pym* delivered, by command, divers Heads agreed upon by the Commons, which are Inſtructions to be ſent to the Commiſſioners of both Houſes, now attending His Majeſty in *Scotland*, which they deſire their Lordſhips to joyn with them in.

The Inſtructions were read in *Hæc verba*;

Inſtructions to the Commiſſioners in *Scotland*, *November* the 10*th*, 1641.

1. You ſhall humbly inform His Majeſty, that the Propoſitions made to the Parliament of *Scotland*, concerning their aſſiſtance, for ſuppreſſing the Rebellion in *Ireland*, have been fully conſidered and debated by both Houſes of Parliament here, and their wiſe and brotherly expreſſions and proceedings are apprehended and entertained here by us, not only with approbation,

17 *Caroli.*

tion, but with thankfulneſs; wherefore we deſire that His Majeſty will be pleaſed, that you, in the Name of the Lords and Commons of *England*, give publick thanks to the States of the Parliament of *Scotland*, for their care and readineſs to imploy the Forces of that Kingdom for reducing the Rebellious Subjects of *Ireland*, to their due obedience to His Majeſty and the Crown of *England*.

2. You ſhall farther make known to His Majeſty, That in the great and almoſt Univerſal Revolt of the Natives of *Ireland*, cheriſhed and fomented (as we have cauſe to doubt) by the ſecret practices and encouragements of ſome Foreign States ill affected to this Crown; and that the *Northern* parts of that Kingdom may, with much more eaſe and ſpeed, be ſupplied from *Scotland* than from *England*, we humbly deſire and beſeech His Majeſty to make uſe of the aſſiſtance of his Parliament and Subjects of *Scotland*, for the preſent relief of thoſe parts of *Ireland*, which lye neareſt to them, according to the Treaty agreed upon and confirmed in both Parliaments, and this affectionate and friendly diſpoſition now lately expreſſed, as is more particularly ſpecified in the 5*th*. Article.

3. You ſhall preſent to His Majeſty the Coppy encloſed of the Declaration which we have ſent into *Ireland*, for the encouragement of his good Subjects there, and for the more ſpeedy and effectual oppoſing of the Rebels, and in execution and performance of our expreſſions therein made, of Zeal and Faithfulneſs to His Majeſties Service, we have already taken care for 50000 *l.* to be preſently borrowed and ſecured by Parliament. We have likewiſe reſolved to haſten the Earl of *Leiceſter*, Lord Lieutenant of *Ireland*, very ſpeedily to repair thither, and forthwith to raiſe a convenient number of Horſe and Foot for ſecuring *Dublin*, and the *Engliſh* Pale, with ſuch other parts as remain in His Majeſties ſubjection, intending to ſecond them with a far greater Supply.

4. We have farther ordered and directed, That His Majeſties Arms and Munition lying in the City of *Carliſle*, ſhall be tranſported into the *North* parts of *Ireland*, for the ſupply of *Carrickfergus*, and other His Majeſties Forts and Garriſons there; and that a convenient number of men ſhall be ſent from the *North* parts of *England*, for the better Guard and Defence of thoſe Countries adjoyning; and that a large proportion of Arms and other Munition, ſhall be ſpeedily conveyed out of His Majeſties Stores to *Weſt-Cheſter*, to be diſpoſed according to the direction of the Lord Lieutenant of *Ireland*, for Arming the men to be ſent from *England*, and ſuch other of His Majeſties Loyal Subjects as may be raiſed in *Ireland*.

5. And becauſe we underſtand that the Rebels are like, with great ſtrength, to attempt the ruine and deſtruction of the *Britiſh* Plantation in *Ulſter*, we humbly adviſe His Majeſty, by the Council and Authority of his Parliament in *Scotland*, to provide that one Regiment conſiſting of 1000. men, furniſh'd and accompliſh'd with all neceſſary Arms and Munition, as ſhall ſeem beſt to their great wiſdoms and experience, may with all poſſible ſpeed be tranſported into *Ireland*, under the command of ſome worthy perſon well affected to the Reformed Religion, and the peace of both Kingdoms, and well enabled with Skill, Judgment and Reputation for ſuch an Employment, which Forces we deſire may be Quartered in thoſe *Northern* parts, for the oppoſing of the Rebels, and comfort and aſſiſtance of His Majeſties good Subjects there, with Inſtructions from His Majeſty and the Parliament of *Scotland*, that they ſhall, upon all occaſions, purſue and obſerve the directions of the Lord Lieutenant, his Lieutenant General, or the Governour of *Ireland*, according to their Authority derived from His Majeſty and Crown of *England*.

6. That we have juſt cauſe to believe, that thoſe Conſpiracies and Commotions

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motions in *Ireland*, are but the effects of the ſame Councils; and if perſons of ſuch aims and conditions, ſhall continue in Credit, Authority and Imployment, the great Aids which we ſhall be inforced to draw from his people, for ſubduing the Rebellion in *Ireland*, will be applied to the fomenting and cheriſhing of it there, and encouraging ſome ſuch like attempt by the Papiſts, and ill affected Subjects in *England*, and in the end, to the Subverſion of Religion, and Deſtruction of his Loyal Subjects in both Kingdoms, and do therefore moſt humbly beſeech His Majeſty to *change theſe Councils*, from which ſuch ill courſes have proceeded, and which have cauſed ſo many miſeries and dangers to himſelf and all his Dominions; and that he will be Graciouſly pleaſed to imploy ſuch Councils and Miniſters, as ſhall be approved of by his Parliament, who are his greateſt and moſt faithful Council, that ſo his people may with courage and confidence undergo the charge and hazard of War, and by their bounty and faithful endeavours, with Gods Bleſſing, reſtore to His Majeſty, and this Kingdom, that Honour, Peace, Safety, and Proſperity, which they have enjoyed in former times.

And if herein His Majeſty ſhall not vouchſafe to condeſcend to our humble Supplications, although we ſhall always continue with Reverence and Faithfulneſs to his Perſon and to his Crown, and to perform thoſe Duties of Service and Obedience, to which by the Laws of God and this Kingdom we are obliged, yet we ſhall be forced, in diſcharge of the Truſt which we owe to the State, and to thoſe whom we repreſent, to reſolve upon ſome ſuch way of defending *Ireland* from the Rebels, as may concur to the ſecuring our ſelves, from ſuch miſchievous Council and Deſigns as have lately been, and ſtill are in practice and agitation againſt us, as we have juſt cauſe to believe; and commend thoſe aids and contributions which this great Neceſſity ſhall require, to the cuſtody and diſpoſing of ſuch Perſons of Honour and Fidelity, as we have cauſe to confide in.

7. And as touching the *Wages* and other Charges needful, which this aſſiſtance will require, we would have you in our Name, to beſeech His Majeſty to commend it to our Brethren, the Eſtates of the Parliament of *Scotland*, to take it into their care, on the behalf of His Majeſty and this Kingdom, to make ſuch agreements with all the Commanders and Soldiers to be imployed, as they would do in the like caſe for themſelves, and to let them know for our parts, we do wholly rely upon their Honourable and Friendly dealing with us, and will take care that ſatisfaction be made accordingly.

8. You ſhall repreſent to His moſt Excellent Majeſty this our humble and faithful Declaration, that we cannot without much grief remember the great miſeries, burthens and diſtempers, which have for divers years afflicted all his Kingdoms and Dominions, and brought them to the laſt point of Ruine and Deſtruction; all which have iſſued from the cunning, falſe, and malicious practices, of ſome of thoſe who have been admitted into very near places of Council and Authority about him, who have been favourers of Popery, Superſtition and Innovation, Subverters of Religion, Honour and Juſtice, Factors for promoting the Deſigns of Foreign Princes and States, to the great apparent danger of his Royal Perſon, Crown and Dignity, and of all his people; Authors of falſe Scandals and Jealouſies betwixt His Majeſty and his Loyal Subjects, Enemies to the Peace, Union and Confidence betwixt him and his Parliament, which is the ſureſt foundation of proſperity and greatneſs to His Majeſty, of comfort and hope to them: That by their Councils and endeavours, thoſe great ſums which have been lately drawn from the people, have been either conſumed unprofitably, or in the maintenance of ſuch deſigns as have been miſchievous and deſtructive to the State, and whilſt we have been labouring to ſupport His Majeſty, to purge out the corruption, and reſtore the decays both of Church and State.

State, others of their Faction and Party have been contriving, by violence and force, to ſuppreſs the liberty of Parliament, and endanger the ſafety of thoſe who have oppoſed ſuch wicked and pernicious courſes. 17 *Caroli.*

But the great matter at this time in agitation, was *The Remonſtrance of the State of the Kingdom*, which occaſioned very high Debates, and to the ſame, Sir *Edward Deering*, being a Diſſenter thereunto, ſpoke upon that occaſion as follows.

Sir *Edward Deering's* Speech 22. *Nov.* 1641. againſt the Remonſtrance.

Mr. Speaker,

THIS Remonſtrance is now in progreſs upon its laſt foot in this Houſe: I muſt give a Vote unto it, one way or other: my Conſcience bids me not to dare to be affirmative: So ſings the Bird in my Breaſt, and I do cheerfully believe the tune to be good.

This Remonſtrance whenſoever it paſſeth, will make ſuch an impreſſion and leave ſuch a character behind, both of His Majeſty, the People, the Parliament, and of this preſent Church and State, as no Time ſhall ever eat it out, whileſt Hiſtories are written, and men have eyes to read them.——How curious then ought we to be, both in the matter and the form? Herein is a ſevere point of Conſcience to be tryed: Let us be ſure that every particular ſubſtance be a Truth: *and let us cloath that* Truth *with a free Language, yet a modeſt and a ſober Language.*

Mr. Speaker, *This Remonſtrance is in ſome kind greater and more extenſive then an Act of Parliament: That reacheth only to* England *and* Wales; *but in this the three Kingdoms will be your immediate ſuperviſors: and the greateſt part of Chriſtendom will quickly borrow the Glaſs to ſee our Deformities therein. They will ſcan this work at leiſure, which (I hope) we ſhall not ſhut up in haſte.*

Some pieces here are of excellent uſe and worth: but what is that to me, if I may not have them, without other parts that are both doubtful and dangerous.

The matter, form, *and* final end *of this Remonſtrance, all of them do argue with me, not to remonſtrate thus.*

The end: *to what end do we decline thus to them that look not for it? Wherefore is this deſcenſion from a Parliament to a People? they look not up for this ſo extraordinary courteſie? The better ſort think beſt of us: And why are we told that the People are expectant for a Declaration?*

I did never look for it of my Predeceſſors in this place, nor ſhall do from my Succeſſors. I do here profeſs that I do not know any one ſoul in all that Country (for which I have the Honour to ſerve) who looks for this at your hands. They do humbly and heartily thank you for many good Laws and Statutes already enacted, and pray for more, That is the Language beſt underſtood of them, and moſt welcome to them. They do not expect to hear any other ſtories of what you have done, much leſs promiſes of what you will do.

Mr. Speaker. *When I firſt heard of a Remonſtrance, I preſently imagined that like faithful Counſellors, we ſhould hold up a Glaſs unto His Majeſty: I thought to repreſent unto the King the wicked Counſels of pernicious Counſellors: The reſtleſs turbulency of practical Papiſts. The treachery of falſe Judges: The bold innovations and ſome ſuperſtition brought in by ſome pragmatical Biſhops: and the rotten part of the Clergy.*

I did not dream that we ſhould remonſtrate downward, tell ſtories to the People, and talk of the King as of a third Perſon.

The uſe and end *of ſuch Remonſtrance, I underſtand not: at leaſt, I hope I do not.*

Mr. Speaker, *In the* form *of this Remonſtrance, if it were preſented to you from a full Committee, yet I am bold to make this Query, whether that Committee have preſented to us any heads in this Remonſtrance which were not firſt agitated here, and recommended to them from this Houſe: if they have, there wanteth*

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then (for ſo much) the formal Power that ſhould actuate and enliven the Work ſo brought unto us: as may be well obſerved by peruſing the Order (now above a twelve month old) for conſtituting that Committee.

In the matter *of this Remonſtrance I except againſt ſeveral particulars, but upon the tranſient reading of it, (not having any view thereof) I will gather up two inſtances only, very obvious, very eaſie to be obſerved.*

Lord Viſcount *Falkland.*

Firſt (as was alſo obſerved by a learned Noble Lord who ſpake laſt) here is a Charge of a high Crime againſt all the Biſhops in the Land, and that above all proof, that yet I have heard.

Your words are. Idolatry introduced by command of the Biſhops.

What? plain, flat, formal Idolatry? name the ſpecies of this Idolatry, that is introduced by the Biſhops, that is (for indefinite propoſitions are æquipollent to univerſal) by all the Biſhops, and by a command *of theirs.*

Certainly Sir, *Idolatry (in the practice of it) is a very viſible ſin; and the* command *of the Biſhops was either legible or audible. Who hath read this command? who hath heard this command? who hath ſeen this commanded Idolatry? and can aſſign wherein it is?*

Some Superſtition in doctrines, and in practices, by ſome Biſhops; this is not the queſtion: But the odious Apoſtacy of Idolatry. Give me leave to ſay,

No Man in this Houſe can charge and prove all the Biſhops, no nor half of them; I dare ſay, not any three among them: perhaps (and truly I think ſo) not one among them all, to have iſſued forth any one command *for Idolatry. If any man can, let him ſpeak and convince me, I love to be informed. In the mean time I deſire to offer you ſome particulars in bar, and by way of oppoſal to this charge.*

Dr. *Morton.* *The learned, pious, and painful Biſhop of* Durham *hath fought in front againſt Roman Superſtition and Idolatry.*

Dr. *Williams.* *The* B. *of* Lincolne *was the firſt of note, that gave check unto our Papal miſleaders and Altarian innovators. He ſtood in the gap of that inundation, and was a ſufferer for us.*

Dr. *Hall.* *The B. of* Exeter *(however miſtaken in the Divinity of Epiſcopacy) hath ever had the repute both of a good Man, and a good Biſhop. He hath not only held and maintained his ſtation, but advanced alſo, and made good impreſſion upon the Idolaters of* Rome.

Mr. Speaker, *This hath been a very accuſative Age: yet have I not heard any Superſtition (much leſs Idolatry) charged (much leſs proved) upon the ſeveral Biſhops of* London, Wincheſter, Cheſter, Carlile, Chicheſter.

Dr. *Juxon.* Dr. *Curle.* Dr. *Bridgman.* Dr. *Potter.* Dr. *Duppa.*

Parcite paucorum diffundere crimen in omnes.

Not for love unto the perſons of theſe Biſhops, but for honour to our Religion. The times of late have been ſomewhat darkened; yet, let not us make the day blacker in report then it is in truth.

In the laſt place I obſerve a promiſe in general Words, that Learning ſhall be rather advanced then diſcouraged: Sed quid verba audio, cum facta videam?

Great rewards do beget great endeavours: and certainly (Sir) *when the great Baſon and Ewer are taken out of the Lottery, you ſhall have few adventurers for ſmall Plate and Spoons only.*

If any mam could cut the Moon out all into little Stars: although we might ſtill have the ſame Moon or as much in ſmall pieces; yet we ſhall want both light and influence.

To hold out the Golden-ball of Honour and of Profit, is both policy and honeſty; and will be operative upon the beſt Natures; and the moſt pious Minds.

But (Mr. Speaker) *if I obſerve aright, learning (I mean Religious learning) in this Remonſtrance is for one half thereof utterly unthought on. And becauſe I hear often ſpeech of one half, but ſeldom mention of the other, give me leave (I beſeech you) in this Theam a little to enlarge my ſelf; if your Remonſtrance once paſs, it will be too late (I fear) to enter this Plea.* It

17 Caroli.

It is I dare ſay, the unanimous Wiſh, the concurrent Sence, of this whole Houſe, to go ſuch a way, as may beſt ſettle and ſecure an able, learned, and fully ſufficient miniſtry among us. This ability, this ſufficiency muſt be of two ſeveral ſorts.

It is one thing to be able to preach and to fill the Pulpit well; it is another ability to confute the perverſe Adverſaries of Truth, and to ſtand in that breach. The firſt of theſe, gives you the wholſome food of ſound Doctrine; *the other maintains it for you, and defends it from ſuch Harpys as would devour or elſe pollute it. Both of theſe are ſupremely neceſſary for us, and for our Religion.* 1 Tit. 9.

Both are of divine inſtitution. The holy Apoſtle requireth both. Both παρακαλεῖν *and* ἐλέγχειν. *Firſt to preach,* That he be able with ſound Doctrine to exhort: *and then* Καὶ τοὺς ἀντιλέγοντας ἐλέγχειν, and to convince the Gainſayers. For *(ſaith he) there are many deceivers whoſe mouths muſt be ſtopt.* 1 Tit. 9, 10. Verſ. 11.

Now Sir, *to my purpoſe: theſe double abilities, theſe ſeveral ſufficiencies, may perhaps ſometimes meet together in one and the ſame man: but ſeldom, very ſeldom, ſo ſeldom, that you ſcarce can find a very few among thouſands rightly qualified in both.*

Nor is this ſo much the infelicity of our, or any times, as it is generally the incapacity of man, who can not eaſily raiſe himſelf up to double excellencies.

Knowledge in Religion doth extend it ſelf into ſo large, ſo vaſt a Sphere, that many (for haſte) do cut croſs the Diameter, and find weight enough in half their work: very few do or can travel the whole Circle round.

Some one in an age (perhaps) may be found, who as Sir Francis Drake *about the terreſtrial Globe, may have travelled the celeſtial Orbe of Theological learning, both for controverſal, and for inſtructive Divinity.*

The incomparable Primate of Ireland *deſerves firſt to be named. Biſhop* Morton *(whom I mentioned before) is another reverend Worthy, and hath highly deſerved of our Church in both capacities.* Jewel *(of pious memory) another Biſhop never to be forgotten. Some few others I could name, able and active both for Pulpit and the Pen. But* Sir, *theſe be* Raræ aves, *there are very few of them.*

The reaſon is evident. For whilſt one Man doth chiefly intend the Pulpit exerciſes, he is thereby diſabled for Polemick diſcourſes: and whilſt another indulgeth to himſelf the faculty of his Pen, he thereby renders himſelf the weaker for the Pulpit. Some men aiming at eminency in both have proved but mean proficients in either. For it is a Rule and a ſure one. As Mr. *Reading.* Mr. *Abbot.*

Pluribus intentus minor eſt ad ſingula ——

Now Sir, *ſuch a way, ſuch a temper of Church government, and of Church-revenue, I muſt wiſh, as may beſt ſecure unto us both: both for preaching to us at home, and for convincing ſuch as are abroad.*

Let me be always ſure of ſome Champions in our Iſrael, *ſuch as may be ready and able to* fight the Lord's battel *againſt the Philiſtims of* Rome, *the Socinians of the* North; *the Arminians and Semi-Pelagians of the* Weſt: *and generally againſt Hereticks and Atheiſts every where. God increaſe the number of his* Labourers within his Vineyard: *ſuch as may plentifully and powerfully preach Faith and good Life among us. But never let us want ſome of theſe Watchmen alſo about our* Iſrael, *ſuch as may from* the everlaſting Hills *(ſo the Scriptures are called) watch for us, and deſcry the common Enemy, which way ſoever he ſhall approach. Let us maintain both Pen and Pulpit. Let no Ammonite perſwade the Gileadite, to fool out his right Eye, unleſs we be willing to* make a League *with Deſtruction; and to wink at Ruine whilſt it comes upon us.* 1 Sam. 2.

Learning (Sir) *it is invaluable: the loſs of learning, it is not in one age recoverable. You may have obſerved, that there hath been a continual Spring, a*

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perpetual growth of learning ever ſince it pleaſed God, firſt to light Luther's *Candle. I might have ſaid* Wicklifes, *and juſtly ſo I do: for even from that time unto this day, and night, and hour, this light hath increaſed: and all this while our better cauſe hath gained by this light: which doth convince our Miſomuſiſts, and doth evict that* Learning *and* Religion, *by their mutual ſupport, are like Hippocrate's Twins, they laugh and mourn together.*

But Sir, *notwithſtanding all this ſo long encreaſe of learning, there is a* Terra incognita, *a great Land of learning not yet diſcovered: our Adverſaries are daily trading, and we muſt not ſit down and give over, but muſt encourage and maintain and encreaſe the number of our painful Adventurers for the Golden-fleece: and except the Fleece be of Gold, you ſhall have no Adventurers.*

Sir, *we all do look that our cauſe ſhould be defended: if the Fee be poor, the Plea will be but faint. Our cauſe is good, our defence is juſt: let us take care that it be ſtrong; which for my part, I do clearly and ingenuouſly profeſs, I cannot expect ſhould be performed by the Pariſh Miniſter, no not ſo well as hitherto it hath been. For from whom the more you do now expect of the Pulpit, the leſs (I am ſure) you muſt look for of the Pen.*

How ſhall he with one hundred pound, (perhaps two hundred pound) per annum *with a Family, and with conſtant preaching, be able, either in purſe for charge or in leiſure for time, or in art for skill, to diſgrace this ſo chargeable, ſo different, ſo difficult a work?* I ſpeak it (*Mr.* Speaker) *and pardon my want of modeſty if I ſay, I ſpeak it not unknowingly; Six hundred pound is but a mean expence in Books, and will advance but a moderate Library. Pains and learning muſt have a reward of* Honour *and* Profit *proportional: and ſo long as our Adverſaries will contend, we muſt maintain the Charge, or elſe lay down the Cauſe.*

In concluſion, I do beſeech you all with the fervor of an earneſt heart; a heart almoſt divided between hopes and fears: never to ſuffer diverſion or diminution of the Rents we have for Learning *and* Religion: *but beſide the Pulpit, let us be ſure to maintain παντοδαπὴν καθοπλισιν an univerſal* Militia *of Theology, whereby we may be always ready and able (even by ſtrength of our own, within our own happy Iſland at home) ἀνασοβεῖν to ſtop the Mouth of all Errors and Hereſies that can ariſe.*

Never Sir, *never let it be ſaid that* ſacred Learning *(for ſuch is that I plead for) ſhall in one eſſential half thereof, be quite unprovided for in* England. *Sir, I have reaſon to be earneſt in this, I ſee, I know great deſigns drawing another way: and my fears are increaſed, not cured by this Declaration.*

Thus I have done: and becauſe *I want Champions for true Religion;* Becauſe *I neither look for cure of our complaints from the common People, nor do deſire to be cured by them;* Becauſe *this Houſe (as under favour I conceive) hath not recommended all the heads of this Remonſtrance to the Committee which brought it in: Becauſe it is not true, that the Biſhops have commanded Idolatry; Becauſe I do not know any neceſſary good end and uſe of this Declaration, but do fear a bad one; And becauſe we paſs His Majeſty, and do remonſtrate to the People: I do here diſcharge my Vote with a clear Conſcience, and muſt ſay,* NO, *to this ſtrange Remonſtrance.*

However this Remonſtrance, after a Debate that laſted from Three a Clock in the Afternoon, till Three a Clock next Morning (ſo that one ſaid it lookt like the *Verdict of a ſtarv'd Jury*) was carried in the Affirmative, but not by many Voices. Mr. *Palmer* and ſome others making a *Proteſtation* againſt it, which thoſe of the other ſide complained of, as directly againſt the Order, Cuſtom, and Priviledge of the Houſe of Commons: whereupon the ſaid Mr. *Palmer* was committed to the *Tower*, but on his Petition ſome days after, releaſed and took his Place in the Houſe as formerly.

On

On the 25*th* of *Nov.* the King returned to *London* from *Scotland*; and was received with all imaginary Expreſſions and Demonſtrations of Affection and Grandure, as followeth.

17 *Caroli.*

His Majeſty's return from Scotland, *and magnificent reception into* London, 25 Nov. 1641.

The manner of His Majeſties Royal paſſing through the City of London, November 25. Anno 1641. *upon his return from* Scotland.

Novemb. 25th. 1641.

THat morning His Majeſty came from *Theobalds* by Coach, with the Queen, the Prince, the Duke of *York*, the Princeſs *Mary*, the Count *Palatine* of the *Rhine*, the Duke of *Richmond* and *Lenox*, the Marqueſs *Hamilton* Maſter of the Horſe, the Earl of *Eſſex* Lord Chamberlain of His Majeſties Houſhold, and ſome other Lords attending his Highneſs.

At *Stamford-Hill*, the Sheriffs of *London* and *Middleſex* met him with 72 men Suited in Scarlet Cloaks, having Hats and Feathers, with Javelings, attending him to *Kingſland*, at which place, a way was purpoſely made through the Fields unto *Moor gate*, the Banks being cut down, and Bridges with Planks ſet up, for the better paſſage. At the entrance into the firſt Field was the Lord Mayors Tent ſet up, wherein were placed divers Forms and Seats, on which the Nobility, with the Lord Mayor and Aldermen, that waited His Majeſties coming, repoſed themſelves.

About the hour of Eleven His Majeſty came, ſitting on the right ſide of the Coach, the Queen on his Right Hand; the Prince, the Duke of *York*, and Princeſs *Mary*, within the Coach, and the Count *Palatine*, and Dutcheſs of *Richmond*, ſitting on the other ſide.

When His Majeſty came againſt the Tent, he cauſed the Coach to be ſtayed, and the Nobility then came preſenting themſelves before him on their knees, Joying his Happy Return, kiſs'd his Hand and the Queens; and then the Lord Mayor delivered up to His Majeſty, firſt, The City Sword, and then the City Scepter, which His Majeſty having received, re-delivered to the Lord Mayor: Which done, the Recorder made the following Speech.

Mr. Recorder of *Londons* Speech to the King at his Return from *Scotland.*

May it pleaſe Your Majeſty,

THis is a day of exceeding great Joy to your Citizens of London, *Joy exalted to the higheſt degree, to ſee you return in ſafety after a long abſence, and ſee this happy meeting with your deareſt Conſort our Good and Gracious Queen, and with theſe bleſſed Children that are the Fruits of your Loves and Pledges to us of a fruitful and hopeful Succeſſion.*

I can truly ſay this from the Repreſentative Body of your City, from whence I have my Warrant, they meet your Majeſty with as much Love and Affection as ever Citizens of London *met with any of your Royal Progenitors, King or Queen of this Kingdom, and with as hearty a deſire to ſhew it fully; pardon their failures where you meet with any.*

We tender unto you no formal preſent, it would but leſſen us, whatever it were (I am ſure it would be far ſhort of our meaning) but we preſent unto you our Hearts and Affections, Hearts of true Subjects, full of Loyalty to you our King and Soveraign.

'Tis true, in this we offer your Majeſty but your own, they were by Juſt Right yours before, but upon this new and enlivening occaſion, be pleaſed to take them as a new Gift, we offer them chearfully, vouchſafe to accept them graciouſly, and with the Influence of thoſe Excellent and Princely Vertues, which we know by great aſſurance to be eminent in your Royal Perſon, we doubt not but Your Majeſty will continue the defence of our Eſtabliſh'd Religion, and the clear current Juſtice of through all the ſtreams, of which Your Majeſty is the Royal Fountain.

Vouchſafe likewiſe to uphold and countenance that ancient form and frame of Government,

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vernment, which hath been long Eſtabliſhed in the City; that Power and Authority of yours, which you have committed to your Lord Mayor, your true and faithful Subject and Servant, and the fit Reverence and Reſpect due to the Aldermen his Brethren, who are to aſſiſt him in his Government; we ſhall be thereby the better enabled to ſerve your Majeſty, and conſtantly to render to you the Fruits of a true Obedience, and as our Duty binds us, we ſhall never ceaſe to bleſs you, and pray for you and your deareſt Conſort our Gracious Queen, and for this your Royal and Princely Off-ſpring for Your Majeſties long Life and proſperous Reign over us, in Peace and Glory, and with full Contentment; and I doubt not but every true Subject will join with us in this, and ſay Amen.

Theſe Expreſſions of Joy, of Love, of Loyalty, and theſe hearty Wiſhes and Deſires which I have mentioned, I meet with every where from your Citizens of London; *they are the ſoft and ſtill Muſick prepared for your Majeſties Welcome and Entertainment this Day; the joyful Acclamations of your people, upon the ſight of your Royal Perſon, will make it louder, and all chearfully hearing their agreeing parts together, ſhall, I hope, this Day, make up to Your Majeſty a full and pleaſing Harmony.*

To which His Majeſty immediately returned this Gracious Anſwer:

The King's Anſwer to the Recorder of *London's* Speech.

Mr. Recorder,

I Muſt deſire you, becauſe my voice cannot reach to all thoſe that I deſire ſhould hear me, to give moſt hearty thanks to all the good Citizens of London, *for their hearty Expreſſions of their Love to me this Day; and indeed, I cannot ſufficiently expreſs the Contentment I have received therein, for now I ſee that all theſe tumults and diſorders have only riſen from the meaner ſort of people, and that the Affections of the better, and main part of the City, have ever been Loyal and Affectionate to my Perſon and Government.*

And likewiſe, it comforts me to ſee that all thoſe Miſreports that have been made of me in my abſence, have not the leaſt power to do me prejudice in your Opinions, as may be eaſily ſeen by this days Expreſſions of Joy.

And now I think it fit for me to aſſure you, That I am returned with as hearty and kind Affections to my people in general, and to this City in particular, as can be deſired by loving Subjects: The firſt I ſhall expreſs by Governing you all according to the Laws of this Kingdom, and in maintaining and protecting the true Proteſtant Religion, according as it hath been Eſtabliſhed in my two famous Predeceſſors times, Queen Elizabeth *and my Father; and this I will do, if need be, to the hazard of my Life, and all that is dear to me.*

As for the City in particular, I ſhall ſtudy by all means their proſperity: And I aſſure you, I will ſingly grant thoſe few reaſonable demands you have now made unto me, in the Name of the City. And likewiſe, I ſhall ſtudy to Reeſtabliſh that flouriſhing Trade which now is in ſome diſorder amongſt you, which I doubt not to effect, with the good aſſiſtance of the Parliament.

One thing I have thought of, as a particular Affection to you, which is, To give back unto you freely, that part of London Derry *which heretofore was evicted from you. This, I confeſs, as that Kingdom is now, is no great Gift, but I hope to recover it firſt, and then to give it to you whole and intirely; and for the Legal part of this, I command you, Mr. Recorder, to wait upon me to ſee it punctually performed.*

I will end as I begun, to deſire you, Mr. Recorder, to give all the City thanks in better Expreſſions than I can make, though I muſt tell you, it will be far ſhort of that real Contentment I find in my Heart, for this real and ſeaſonable Demonſtration of their Affections to me.

Sir *Richard Gurney* the Lord Mayor, and the Recorder, Knighted.

His Majeſty having ended this Gracious Speech, was pleaſed to confer the

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the Honour of Knighthood upon the Lord Mayor and Mr. Recorder with the City Sword, and both Their Majesties gave them, as also the Aldermen, City Council, and Officers, the Honour of kissing their Royal Hands.

All which performed, His Majesty took Horse and proceeded with his Equipage and Attendants as followeth:

First went the City Marshall: Next the Sheriffs Trumpets. Then the Sheriffs men in Scarlet Cloaks, with Silver Lac'd Hats, Feathers, and Javelins, to the number of 72, two and two. Citizens in Velvet Coats, with Chains of Gold, well mounted, to the number of 500, two and two, selected out of the Companies, who were distinguish'd by several Trumpets and Horsemen, that wore the Ensign of each Company at the Head thereof, every man having his Footman in Suit and Cassock, with Ribbon of the Colours of his Company. City-Council. Aldermen in Scarlet Gowns, two and two. Princes Trumpets. Messengers of the Chamber, two and two. Kings Trumpets. Gentlemen of the Privy-Chamber. Knight-Marshall. Pursevants at Arms. The Lord Chief Justice of the Common-Pleas, being a Knight of the Privy-Council.

Barons, *viz.*

Lord *Goring*, Lord *Coventry*, Lord *Feilding*, Lord *Digby*, } Lord *Mowbray*, Lord *William Stewart*, Brother to the Duke of *Lenox*.

Viscount *Conway*. Heralds.

Earls, *viz.*

Earl *Rivers*, Earl of *Bath*, Earl of *Cumberland*, } Earl of *Oxford*. Earl of *Essex*, L. *Chamberlain* of His Majesties Houshold.

Duke of *Richmond*. *Clareneux* and *Norroy*. Lord-Keeper. Lord-Privy-Seal.

Serjeants at Arms. Serjeant at Arms.

Amongst these Serjeant *Parker* the Kings Serjeant for the City of *London*.

Queries and Footmen. } The Princes Highness alone. { Queries and Footmen.

Garter on the Right Hand. { The Lord Mayor of *London* carrying the City Sword by His Majesties Special appointment, as a Grace and Favour at this time. { A Gentleman Usher, daily Waiter, on the Left Hand.

The L. Great Chamberlain on the Right Hand. } Marques *Hartford* bearing the Sword of State. { The Earl Marshall on the Left Hand.

Queries and Footmen. } The Kings Majesty on Horseback. { Queries and Footmen.

The Queens Majesty in her Coach richly Embroidered, and with her the Prince Elector *Palatine*, the Duke of *York*, and the Princess *Mary*.

Marques *Hamilton*, Master of the Horse, leading the Horse of State.

The Earl of *Salisbury* Captain of the Pensioners.

The Gentlemen Pensioners with their Poll-Axes, all mounted with Pistols at their Saddles.

The Earl of *Holland* Lord General beyond *Trent*, and after him Viscount *Grandison*; with many other of the principal Commanders in the late *Northern* Expedition. After them divers great Ladies, and other great Personages of Note.

In this order His Majesty came to *Moor-gate*, and being entred within the Gate,

An. 1641. Gate, proceeded along by *London Wall* to *Biſhops-gate*, and from thence to *Cornhil*, through part of *Cheapſide*, and ſo down St. *Lawrence-lane* to *Guild Hall*, the Companies of *London* ſitting within Rails ſet up for that purpoſe, covered with blue Cloath, and with the Banners and Enſigns of their ſeveral Companies, which begun at *Moor-gate*, and continued to *Temple Bar*, the Conduits, as His Majeſty paſſed, running Claret Wine.

At *Guild-Hall* His Majeſty was Royally Feaſted, his Table ſtanding at the *Eaſt*-end of the Hall, upon a large half pace covered with Green Cloth, railed about to keep off the preſs of people. And on each ſide the Hall, below the half pace, a long Table was placed for the Lords and other Gentlemen of Quality that attended His Majeſty.

The Meat was ſerved up by Citizens ſtanding in their Gowns and Hoods, of the Livery of their Company; on each ſide the Hall, a Row Face to Face from the Dreſſer to the Kings Table, paſſing the Diſhes from Hand to Hand: and to the other Tables back to back.

After Dinner His Majeſty withdrew into a private Room, where he Knighted Sir *John Pettus*, who married the Lord Mayors Daughter.

After Dinner towards Four of the Clock, his Majeſty took Horſe again, and by Torch light proceeded as aforeſaid, towards *White-Hall*, through St. *Laurence-Lane*, *Cheapſide*, *Pauls Church yard*, where over the *South* Porch of the Church; the Quires of St. *Pauls* ſtood in their Surpliſſes, Singing an Anthem, with Sackbuts and Cornets.

And all the way his Majeſty Rid were infinite acclamations of Joy, by ſhouting and other expreſſions; the Streets and Windows thronged with people, and the ſides of the Houſes on each part the way; from *Moorgate* to *Temple-Bar*, hanged with rich Tapeſtry.

In this manner his Majeſty paſt through *Fleet-ſtreet*, and the *Strand*, to *White-Hall*; the Lord Mayor bearing the City Sword till his Majeſty alighted, which was within *White Hall*, at the Stair Foot, going up to the Great Chamber, where the Lord Mayor alighted; and both his Majeſty and the Queen, did there give the Lord Mayor great thanks for their Entertainment.

From the *Maypole* in the *Strand*, to *Exeter* Houſe, the Sheriffs men made a *ſtand* on the Right-Hand; And from thence to the *Tilt-yard* the Citizens on Horſe-back, in Velvet Coats, and Chains (each having his Footman Suited in the Colours of his Company, holding two Torches lighted in his hands.) And from thence to *White-Hall*, the City Officers and the Aldermen.

Lord Mayor commanded to return the Kings thanks to the whole City.

When the Lord Mayor was taking his leave, his Majeſty not only returned him particular thanks, but gave him in Charge, That in his name the whole City might be thanked; whereupon, his Lordſhip, *Nov.* 30. being St. *Andrews* day, Summoned a Common Council, where an Act was made, and the Lord Mayor was intreated to appoint Mr. Recorder, and ſo many Aldermen and Commoners as his Lordſhip ſhould think fit, to attend his Majeſty; and to return their humble thanks, for all his Great and Princely favours to the City; and to preſent to his Majeſty ſuch other deſires of the City as ſhould be thought neceſſary, and convenient.

In purſuance whereof, *Decemb.* the third; a Committee waited upon his Majeſty, and Mr. Recorder ſpoke to this purpoſe.

The Recorders Speech to the King, *&c.* Dec. 3d.

That according to his Majeſties Commands, the Lord Mayor and himſelf had publiſhed what his Majeſty had ſo graciouſly expreſſed, not only to particular men, but at a Common Counſel, which is the Repreſentative Body of the City; and there made known the moſt Gracious Acceptance, by both their Majeſties of the Endeavours of the Citizens, for that days welcome and Entertainment.

Upon

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Upon publiſhing of which they all forthwith with one Heart, and one Voice, earneſtly entreated, and preſt the Lord Mayor, That by his means, and in ſuch way as he ſhould think fit; their moſt humble and hearty thanks might be rendred, and preſented to both their Majeſties, for that ſingular Honour they had done the City, in vouchſafing their preſence, and for thoſe real Teſtimonies of Princely favour; his Majeſty had vouchſafed, tending to their profit and advantage, and eſpecially for their Majeſties poor (tho hearty) Endeavours; with theſe and the like Expreſſions, which came from amongſt them: That if they had done a thouſand times more, it had been but their duty. That the memory of this Honour, and theſe favours ſhould ever live amongſt them, and be perſerved to poſterity; which thankful acknowledgment, we that are preſent are come to make to your Majeſty.

And alſo to preſent two Petitions from the City; firſt, That Your Majeſties would vouchſafe this Honour to the City (if it might ſtand with your good pleaſures) to make your Reſidence, at this Seaſon of the year, at the Palace of *White-Hall*, your preſence being very Joyful to us: And we are the rather emboldned to the preſumption of this Requeſt, ſince Your Majeſty has been graciouſly pleaſed to tell us, you would ſtudy our Proſperity, and to reſtore the Trade of the City, which of late hath been in ſome diſorder: Now your Royal Reſidence there will give a good quickning to the Retailing Trade, and by conſequence to the Merchant.

Our ſecond Petition is, That whereas ſince Your Majeſties Return hither, there has been ſome late diſorders about *Weſtminſter*, amongſt ſome people that met there, we beſeech Your Majeſties not to impute this to the Body of the City, or to the better ſort of Citizens, we held it a misfortune and a ſcandal upon us, that when theſe diſorders were mentioned, the City was named with it; and our deſire has been to vindicate and redeem our ſelves by ſome publick diſavowment of it, and we could not begin better, than in the preſence of Your Majeſties, whom we beſeech to take into your Princely conſideration, That the skirts of the City, where the Lord Mayor and Magiſtrates of *London* have neither power nor liberty, are more populous than the City it ſelf, and fuller of the meaner ſort of people. And if any Dwellers in the City ſhould be Actors in it (as who can deny, but amongſt millions of people, ſome there may be) yet their purpoſe was unknown to us, and to give Your Majeſties ſome aſſurance therein, there were ſome preſent there amongſt us, men that had lived in the City above Forty years together, that knew the City, and the better ſort of Citizens, and were at *Weſtminſter* attending other occaſions, when thoſe people met there, and took a full view of them, and they have affirmed, that they knew not the face of one man among them.

Mr. Recorder having ended, His Majeſty preſently and graciouſly gave anſwer to this effect:

His Majeſties Anſwer.

That he was very well pleaſed with the Hearty and Loyal Affections of the Citizens, for which he gave them great thanks. And for their firſt Petition, tho He and Her Majeſty had before purpoſed to Winter at *Hampton-Court*, yet being now fully perſwaded, that the Lord Mayor and Aldermen, and the moſt conſiderable part of the Citizens of *London*, had not any hand in the Diſorders mentioned by Mr. Recorder in his ſecond Petition, he intended (and ſo he knew Her Majeſty would) to alter his Reſolution, and with all convenient ſpeed repair to *White-Hall*, there to keep their *Chriſtmaſs*, and be ready to do any thing elſe that might promote the Trade of the City, deſiring Mr. Recorder to joyn with him in taking ſome courſe for prevention of the like Diſorders for the future.

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After His Majeſty had ended his Anſwer, and that Mr. Recorder, and Sir *George Whitmore*, had kiſſed his Royal Hand, the next Alderman in Seniority kneeled down to receive the like Princely favour, when, unexpectedly, His Majeſty drew a Sword, and inſtead of giving him his Hand to kiſs, laid the Sword upon his Shoulder and Knighted him. The like he did to the other Aldermen and two Sheriffs, being all in number ſeven: Which being done, and the Commoners having alſo kiſs'd his Hand, they were by His Majeſties ſpecial Order, conducted by the Earl of *Dorſet*, and Mr. Comptroller, to a Room where a Table was prepared for them, and none other to Dine at, where they were bountifully Feaſted, the Earl of *Dorſet* Dining with them, and Mr. Comptroller; and while they were at Dinner, there came two Gentlemen to them, one from His Majeſty, the other from the Queen, to let them know that Their Majeſties had remembred the Health of the Lord Mayor and the whole City, which they received with due Reſpect, returning their humble thanks, for ſuch Their Majeſties extraordinary Favour.

There were alſo theſe Verſes publiſh'd in the Name of the City on this occaſion, which being ſhort I ſhall venture to Inſert.

Gives Londinenſes, Illuſtriſſimi Regis Caroli è Scotia Reditum, ſic gratulantur.

Principis Adventus Caroli, *vel* gratior *Urbi*
Quis dicat? Carolus *vel magè* gratus *erat*?
Gratia *grata, magè eſt, Veniens è Principis Ore*:
Noſtra ſoluta facit, Debitâ, grata *minus*.
Nec tamen ingratos *Nos reddit*: Vota *ſuperſunt*,
Ut creſcat Caroli Gratia, *noſter* Amor.

LONDON, To the KING.

THanks, Mighty Sir, that you would *Gracious* be,
T' accept the poor great Zeal of *mine* and *me*.
I *entertain'd you not*: Where e're *you* go,
All elſe are but *Spectators*, not the *ſhow*.
I do not envy now the Empreſs *Rome*,
When her *Great Cæſars* rode Triumphant home;
Nor wiſh her *Hills*, but when you abſent are,
To ſee your long'd-for coming from *afar*.
But *go no more*, leave me no more with *fears*,
And Loyal Grief, to ſpend my *Thames* in Tears;
Your *next Return* may ſome *due Honour* miſs,
I ſhall not then have done my *Joy* for *this*.

Eſſex Surrenders his Commiſſion of Captain *General*.

The Earl of *Eſſex*, Lord Chamberlain, acquainted the Houſe of Lords, that he had, upon his Majeſties Return, ſurrendred his Commiſſion of Captain-General, of the *South* parts of the Kingdom, into his Majeſties hands, and therefore could take no further Orders for Guards; whereupon, the Houſe reſolved to communicate the ſame to the Commons.

The King Diſolves the Parliaments Guards.

The Lord Keeper being ſent for by the King, had the leave of the Houſe to attend his Majeſty, and at his return ſignified, that he was ordered to acquaint them that his *Majeſty underſtanding there were Guards appointed for ſecuring the Houſes, tho His Majeſty preſumes they did it upon ſome Reaſons, yet His Majeſty not knowing any Reaſons, it was his Royal pleaſure the ſaid Guards*

ſhould

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ſhou'd be diſſolv'd, hoping that now his preſence would be a Protection unto them; but if there be occaſion, and His Majeſty ſees Reaſon for it, he ſhall be ready to take care for ſufficient Guards to ſecure his Parliament. Which being communicated to the Commons, they ſent a Meſſage to the Lords, deſiring his Majeſty may be Petitioned in the Name of both Houſes, that the Guards may ſtill be continued, till they may ſatisfie his Majeſty of the Reaſons why a Guard is neceſſary, which in a few days they intend to do. Whereunto the Lords, after ſome diſpute, conſented, and the Earl of *Warwick*, and the Lord *Digby*, were ordered to move his Majeſty accordingly; and his Majeſty, the next day, return'd this Anſwer.

They Petition to continue them:

'That he did command the Guards to be diſmiſs'd, becauſe he knew 'no cauſe they had of Fears, and becauſe it was a great trouble to his 'Subjects that were to perform that Service, beſides diſquieting the peo-'ple with ſtrange apprehenſions and jealouſies. And that his Majeſty 'expects, when the Parliament ſhall deſire any thing extraordinary as 'this is, they ſhould give particular Reaſons for it, yet his Majeſty is ſo 'tender of the Parliaments ſafety, that he will command the Earl of '*Dorſet* to appoint ſome of the Train-Bands, only for a few days, to 'wait on both Houſes, and if in that time he ſhall be ſatisfied there is 'juſt Reaſon, ſhall continue them; and likewiſe, ſhall take ſuch a courſe 'for the ſafety of his own Perſon as ſhall be fit, of which his Majeſty 'doubts not but they will be as careful as of their own.

His Majeſties Anſwer, *Nov.* 27.

The Committee appointed by the Commons to draw up Reaſons for a Guard, brought them into the Houſe as follows:

Monday, Nov. 29. Reaſons for a Guard.

I. Becauſe of the great Numbers of diſorderly ſuſpitious, and deſperate perſons, eſpecially *Iriſh*, lurking in the Suburbs, and other places near *London* and *Weſtminſter*.

II. The Jealouſie conceived upon the diſcovery of a deſign in *Scotland* to ſurprize ſeveral of the Nobility, Members of the Parliament there, which had been ſpoken of here ſome days before it broke out there, with Intimation that the like was intended againſt divers perſons of both Houſes here, which was the more credible from the former attempts to bring up the Army to over-run and diſturb this Parliament.

III. From the Conſpiracy in *Ireland*, ſo ſecretly manag'd, that but for the Providential Diſcovery at *Dublin*, it had been Executed in one day throughout that whole Kingdom; and ſome of the chief Conſpirators have profeſſed the like courſe was intended in *England* and *Scotland*.

IV. From divers Advices from beyond the Seas, that there would be great alteration in Religion ſhortly in theſe Kingdoms, and that the Necks of both the Parliaments in *England* and *Scotland* ſhould be broken.

V. From divers Examinations taken of dangerous Speeches of ſome of the Popiſh and diſcontented Party in this Kingdom.

VI. The ſecret Meetings and Conſultations of the Papiſts in ſeveral parts, and their frequent Devotions for the proſperity of ſome great deſign in hand.

Theſe ſeveral conſiderations do move the Parliament to deſire a Guard, under the Command of the Earl of *Eſſex*; and they do conceive there is juſt cauſe to apprehend, that there is ſome wicked and miſchievous practice, to interrupt the peaceable proceedings of the Parliament, ſtill in hand, for prevenſing whereof it is fit the Guards ſhould be ſtill continued under the ſame Command, or ſuch other as they ſhall chooſe. But to have it under the Command of any other, not choſen by themſelves, they

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can by no means conſent, and will rather run any hazard than admit of a Preſident ſo dangerous both to this and future Parliaments. And they humbly leave it to his Majeſty to conſider, whether it will not be fit to ſuffer his High Court of Parliament, to enjoy that priviledge of providing for their own ſafety, which was never denied other inferiour Courts. And that he will be pleaſed Gratiouſly to believe, that they cannot think themſelves ſafe under any Guard, of which they ſhall not be aſſured, that it will be as faithful in defending his Majeſties ſafety as their own, whereof they ſhall always be more careful than of their own.

Decemb. 1.

The preſenting of the Remonſtrance to the King.

THIS day the Houſe of Commons ſent a Committee to wait upon his Majeſty, (being then at *Hampton Court*) and to preſent him with a Petition, and the large Remonſtrance of the State of the Kingdom. The perſons appointed for this Service, were

Mr. *Pym*,	Lord *Fairfax*,
Sir *Symon D' Ewes*,	Sir *Ralph Hopton*,
Sir *Arthur Ingram*,	Sir *Richard Winn*,
Sir *James Thyn*,	Sir *John Corbet*,
Sir *Henry Bellaſis*,	Sir *Edw. Deering*,
Lord *Gray*,	and
Sir *Chriſtopher Wray*,	Sir *Arthur Haſlerigg*,

The preſenting it was put upon Sir *Edward Deering*, but he avoided it by being abſent, and ſo it was done by Sir *Ralph Hopton* who the next day made Report to the Houſe as followeth.

Sir *Ralph Hopton*, Reports to the Houſe, the delivery of the Petition, and Remonſtrance to the King yeſterday at *Hampton Court*; being the firſt of *December*.

Sir *Ralph Hoptons*, Report of preſenting the Petition, and Remonſtrance, *December* 2. 1641.

He ſaid that the laſt night in the Evening, he and thoſe that accompanied him came into *Hampton Court*, where meeting with Sir *Richard Wynn*, he went into his Majeſty, and gave him notice of our being there; and within a quarter of an hour, *the King* ſent a *Gentlemen Uſher* to call us in, with directions none to come in but our ſelves; whereupon I did according to your order and the reſt with me, upon our *Knees*, preſent the *Petition* and *Remonſtrance*, and begun to read it Kneeling, but his Majeſty would not permit that, but commanded us all to riſe and ſo I read it.

The firſt thing that his Majeſties ſpake at the reading thereof, was to that part of the *Petition*, that *Charges* a *Malignant* Party to be about his Majeſty, with a deſign to change *Religion*, to which his Majeſty with a hearty fervency ſaid, *the Devil take him whoſoever he be that has a deſign to Change Religion.* Then I proceeded to read on, and when I came to that part of the Remonſtrance of reſerving the Lands of the *Rebels* in *Ireland* toward the ſuppreſſing them. His Majeſty ſpake and ſaid, *We muſt not diſpoſe of the Bears Skin till the Bear be Dead.*

After the *Petition* was read, his Majeſty ſaid he deſired to ask us ſome queſtions, but I anſwered, we had no power to ſpeak to any thing, but wherein we had Commiſſion; then ſaid his Majeſty, doth the Houſe intend to publiſh this Declaration, we ſaid we could not anſwer to it; well then ſaid his Majeſty, *I ſuppoſe you do not expect a preſent Anſwer to ſo long a Petition, but this let me tell you, I have left* Scotland *well in Peace; they are well ſatisfied with me, and I with them, and though I ſtaid longer then I expected; I think if I had not gone, you had not been ſo ſoon rid of the Army: I ſhall give you an anſwer to this buſineſs, with as much ſpeed, as the weight thereof will permit.* And ſo was pleaſed to give us all his hand to Kiſs; and thereupon we took our leave, and afterwards Mr. Comptroller came to us with this Meſſage, that the King deſired there ſhould be no

publiſhing

publiſhing of this Declaration, till we had received his anſwer, we were all that Night treated by Mr. Comptroler at Supper, and entertained with great reſpect, and Lodged by the Kings Harbinger.

The ſaid Petition and Remonſtrance, then ſo preſented, were as follows.

The Petition of the Houſe of Commons, which accompanied the Remonſtrance of the State of the Kingdom, when it was preſented to His Majeſty at Hampton-Court, Decemb. *1ſt.* 1641.

Moſt gracious Sovereign,

YOUR *Majeſty's moſt humble and faithful Subjects the* Commons *in this preſent Parliament Aſſembled, do with much* thankfulneſs *and* joy, *acknowledge the great mercy and favour of God, in giving your Majeſty a* ſafe *and* peaceable return out of Scotland *into your Kingdom of* England, *where the preſſing* Dangers and Diſtempers of the State, *have cauſed us with much earneſtneſs, to deſire the comfort of your* gracious Preſence, *and likewiſe the Unity and Juſtice of your Royal Authority, to give more Life and Power to the Dutiful and Loyal Counſels and Endeavours of your Parliament, for the prevention of that eminent Ruin and Deſtruction wherein your Kingdoms of* England *and* Scotland are threatned. The Duty *which we owe to your Majeſty, and our Country cannot but make us very ſenſible and apprehenſive, that the Multiplicity, Sharpneſs, and Malignity of thoſe Evils under which we have now many Years ſuffered, are fomented and* cheriſhed by a corrupt and ill affected Party, *who amongſt other their miſchievous* Devices for the alteration of Religion *and Government, have ſought by many falſe Scandals and Imputations,* cunningly inſinuated *and diſperſed amongſt the People,* to blemiſh and diſgrace our Proceedings in this Parliament, *and to get themſelves a Party and Faction amongſt your Subjects, for the better ſtrengthening themſelves in their wicked Courſes, and hindering thoſe proviſions, and remedies which might by the Wiſdom of your Majeſty, and Counſel of your Parliament, be oppoſed againſt them.*

For preventing whereof, *and the better Information of your Majeſty, your Peers and all other your Loyal Subjects, we have been* neceſſitated to make a Declaration of the State of the Kingdom, both before and ſince the Aſſembly of this Parliament, unto this time, *which we do humbly preſent to your Majeſty,* without the leaſt Intention to lay any blemiſh upon your Royal Perſon, but only to repreſent how your Royal Authority and Truſt have been abuſed, *to the great prejudice and danger of your Majeſty, and of all your good Subjects.*

And becauſe we have Reaſon to believe that thoſe malignant Parties, *whoſe Proceedings* evidently appear to be, mainly for the advantage and increaſe of Popery, *is compoſed ſet up and acted* by the ſubtile Practice of the Jeſuits, *and other* Engineers, and Factors for Room, *and to the great danger of this Kingdom, and moſt grievous affliction of your Loyal Subjects, have ſo far prevailed,* as to corrupt divers of your Biſhops, *and others in prime Places of the Church, and alſo to bring* divers of theſe Inſtruments to be of your Privy-Counſel, and other Employments of Truſt *and nearneſs about your Majeſty, the Prince, and the reſt of your Royal Children.*

And by this mean have had ſuch an operation in your Counſel, *and the moſt important Affairs and Proceedings of* your Government, *that a moſt dangerous Diviſion, and chargeable* preparation for War *betwixt your Kingdoms of* England *and* Scotland, *the* increaſe of Jealouſies *betwixt your Majeſty and your moſt obedient Subjects, the violent diſtraction and* interuption of this Parliament, *the* Inſurrection of the Papiſts in your Kingdom of Ireland, *and* bloody Maſſacre of your People, *have been not only endeavoured and attempted, but in a great meaſure compaſſed and effected.*

For preventing the final Accompliſhment, whereof, *your* poor Subjects are enforced to engage their Perſons and Eſtates to the Maintaining of a very expenceful and dangerous War, *notwithſtanding*, they have already *ſince the beginning of this Parliament, undergone the Charge of* 150000 *l.* Sterling, or thereabouts, *for the neceſſary ſupport and ſupply of your Majeſty in theſe preſent and perillous Deſigns. And becauſe all our moſt faithful* Endeavours and Engagements will be ineffectual *for the Peace, Safety, and Preſervation of your Majeſty and your People,* if ſome preſent, *real and* effectual Courſe be not taken for ſuppreſſing this wicked and malignant Party.

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We your moſt humble and obedient Subjects, do withall faithfulneſs and humility, beſeech your Majeſty,

1. *That you will be graciouſly pleaſed to* concur with the humble Deſires of your People in a Parliamentary-way, *for the preſerving the Peace and Safety of the Kingdom, from the malicious Deſigns* of the Popiſh party.

For depriving the Biſhops of their Votes in Parliament, and abridging their immoderate power uſurped over the Clergy, and other your good Subjects, *which they have perniciouſly abuſed, to the hazard of Religion, and great prejudice and oppreſſion of the Laws of the Kingdom, and juſt liberty of your People.*

For the taking away ſuch oppreſſions in Religion, Church-Government, *and Diſcipline as have* been brought in and fomented by them.

For uniting all *ſuch your* Loyal Subjects *together, as joyn in the ſame fundamental* Truths againſt the Papiſts, *by removing ſome oppreſſions and* unneceſſary Ceremonies, *by which divers weak Conſciences have been ſcrupled, and ſeem to be divided from the reſt, and for the due execution of thoſe* good Laws, *which have been made for ſecuring the liberty of your Subjects.*

2. *That your Majeſty will likewiſe be pleaſed to* remove from your Counſel *all ſuch as* perſiſt to favour and promote any *of thoſe preſſures and corruptions wherewith your* People have been grieved, *and that for the future, your Majeſty will* vouchſafe to imploy *ſuch perſons in your great and publick Affairs, and to take ſuch to be near you in Places of Truſt,* as your Parliament may have cauſe to confide in; *that in your Princely goodneſs to your People you will* reject and refuſe all mediation and *ſolicitation* to the contrary, *how powerful and near ſoever.*

3. *That you will be pleaſed* to forbear to alienate any of the forfeited *and eſcheated* Lands in Ireland, *which ſhall accrew to your Crown* by reaſon of this Rebellion, *that out of them the* Crown *may be the better ſupported, and ſome ſatisfaction made to your Subjects of this Kingdom, for the great Expences they are like to undergo this War.*

Which humble deſires of ours being graciouſly fullfilled *by your Majeſty, we will by the bleſſing and favour of God,* moſt chearfully undergo the hazard and expences of this War, *and apply our ſelves to ſuch* other Courſes *and Counſels, as may* ſupport your Royal Eſtate with Honour *and Plenty at home, with Power and Reputation abroad, and by our Loyal Affections, Obedience and Service, lay a ſure and laſting Foundation of the Greatneſs and Proſperity of your Majeſty, and your Royal Poſterity in future times.*

A Remonſtrance of the State of the Kingdom, preſented to the King at *Hampton-Court*, 1. Dec. 1641. in the Name of the Commons Houſe of Parliament.

THE Commons in this preſent Parliament aſſembled, having with much earneſtneſs, and faithfulneſs of Affection and Zeal to the Publick Good of this Kingdom, and His Majeſty's Honour and Service, for the ſpace of twelve Mouths, wreſtled with great Dangers and Fears, the preſſing Miſeries and Calamities, the various Diſtempers and Diſorders, which had not only aſſaulted, but even overwhelmed and extinguiſht the Liberty, Peace, and Proſperity of this Kingdom, the Comfort and Hopes of all His Majeſty's good Subjects, and exceedingly weakned and undermined the Foundation, and Strength of his own Royal Throne.

Do yet find an abounding malignity and oppoſition in thoſe Parties and Factions who have been the cauſe of thoſe Evils, and doſtill labour to caſt aſperſions, upon that which hath been done, and to raiſe many difficulties for the hinderance of that which remains yet undone, and to foment Jealouſies betwixt the King and Parliament, That ſo they may deprive him, and his People of the Fruit of his own gracious Intentions, and their humble Deſires of procuring the Publick Peace, Safety, and Happineſs of this Realm; For the preventing of thoſe miſerable Effects, which ſuch malicious Endeavours may produce, we have thought good to declare,

The Root and the Growth of theſe miſchievous Deſigns.

The Maturity and Ripeneſs, to which they have attained before the beginning of the Parliament.

The effectual means which have been uſed for the extirpation of thoſe dangerous Evils, and the Progreſs which hath therein been made by His Majeſty's goodneſs, and the Wiſdom of the Parliament.

The ways of Obſtruction and Oppoſition, by which that Progreſs hath been interrupted.

The Courſes to be taken for the removing thoſe Obſtacles, and for the accompli-

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compliſhing of our moſt dutiful, and faithful Intentions, and Endeavours, of reſtoring and eſtabliſhing the ancient Honour, Greatneſs, and Security of this Crown and Nation.

The root of all this Miſchief, we find to be a malignant and pernicious Deſign of ſubverting the Fundamental Laws, and Principles of Government, upon which the Religion and Juſtice of this Kingdom, are firmly eſtabliſht. The Actors and Promoters hereof have been;

1. The Jeſuited Papiſts; who hate the Laws, as the Obſtacles of that Change, and Subverſion of Religion, which they ſo much long for.

2. The Biſhops, and the corrupt Part of the Clergy, who cheriſh Formality and Superſtition, as the natural Effects and more probable Supports of their own Eccleſiaſtical Tyranny, and Uſurpation.

3. Such Counſellors and Courtiers as for private Ends, have engaged themſelves to further the Intereſts of ſome Foreign Princes, or States, to the prejudice of His Majeſty and the State at home.

The common Principles by which they moulded and governed, all their particular Counſels and Actions were theſe.

Firſt, To maintain continual Differences, and Diſcontents betwixt the King and the People, upon Queſtions of Prerogative and Liberty, that ſo they might have the advantage of ſiding with him, and under the notions of Men addicted to his Service, gain to themſelves and their parties, the Places of greateſt Truſt and Power in the Kingdom.

A Second, To ſuppreſs the purity and power of Religion, and ſuch perſons as were beſt affected to it, as being contrary to their own Ends, and the greateſt Impediment to that Change, which they thought to introduce.

A Third, To conjoyn thoſe Parties of the Kingdom, which were moſt propitious to their own Ends, and to divide thoſe who were moſt oppoſite, which conſiſted in many particular Obſervations.

To cheriſh the Arminian part in thoſe Points wherein they agree with the Papiſts, to multiply and enlarge the difference between the common Proteſtants, and thoſe whom they call Puritans, to introduce and countenance ſuch Opinions and Ceremonies, as are fitteſt for accommodation with Popery, to increaſe and maintain Ignorance, Looſeneſs, and Prophaneneſs in the People.

That of thoſe three parties, Papiſts, Arminians and Libertines they might compoſe a Body fit to act ſuch Counſels and Reſolutions, as were moſt conducible to their own Ends.

A Fourth, To diſaffect the King to Parliaments by Slanders and falſe Imputations, and by putting him upon other ways of Supply, which in ſhew and appearance were fuller of advantage, then the ordinary Courſe of Subſidies, though in truth, they brought more loſs than gain, both to the King and People, and have cauſed the great Diſtractions under which we both ſuffer.

As in all compounded Bodies, the Operations are quallified according to the Predominant Element, ſo in this mixt Party, the Jeſuited Counſels being moſt active, and prevailing, may eaſily be diſcovered to have had the greateſt Sway in all their Determinations, and if they be not prevented, are likely to devour the reſt, or to turn them into their own Nature.

In the beginning of His Majeſty's Reign, the party begun to revive and flouriſh again, having been ſomewhat dampt by the Breach with *Spain* in the laſt Year of King *James*, and by His Majeſty's marriage with *France*; the Intereſts and Counſels of that State, being not ſo contrary to the good of Religion, and the proſperity of this Kingdom, as thoſe of *Spain*; and the Papiſts of *England*, having been ever more addicted to *Spain*, than *France*; yet they ſtill retained a purpoſe, and reſolution to weaken the Proteſtant parties in all parts, and even in *France*, whereby to make way for the change of Religion, which they intended at home.

1. The firſt Effect and Evidence of their Recovery and Strength, was the Diſſolution of the Parliament at *Oxford*, after there had been given two Subſidies to His Majeſty, and before they received relief in any one grievance, many other more miſerable effects followed.

2. The Loſs of the *Rochel* Fleet, by the help of our Shipping, ſet forth and delivered over to the *French*, in oppoſition to the Advice of Parliament, which left that Town without Defence by Sea, and made way not only to the loſs of that Important Place, but likewiſe to the loſs of all the Strength and Security of the Proteſtant Religion in *France*.

3. The

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3. The diverting of His Majeſty's Courſe of Wars from the *Weſt-Indies*, which was the moſt facile and hopeful way for this Kingdom to prevail againſt the *Spaniard*, to an expenceful and ſucceſsleſs attempt upon *Calez*, which was ſo ordered, as if it had rather been intended to make us weary of War, then to proſper in it.

4. The precipitate Breach with *France*, by taking their Ships to a great Value, without making recompence to the *Engliſh*, whoſe Goods were there upon imbar'd, and confiſcate in that Kingdom.

5. The Peace with *Spain* without conſent of Parliament, contrary to the promiſe of King *James* to both Houſes, whereby the *Palatines* Cauſe was deſerted and left to chargeable and hopeleſs Treaties, which for the moſt part were managed by thoſe, who might juſtly be ſuſpected to be no Friends to that Cauſe.

6. The charging of the Kingdom with billited Soldiers in all parts of it, and that concomitant Deſign of *German* Horſe, that the Land might either ſubmit with Fear, or be inforced with rigour to ſuch Arbitrary Contributions, as ſhould be required of them.

7. The diſſolving of the Parliament in the Second Year of His Majeſty's Reign, after a Declaration of their Intent, to grant five Subſidies.

8. The exacting of the like proportion of five Subſidies after the Parliament diſſolved, by Commiſſion of *Loane*; and divers Gentlemen and others Impriſoned for not yeilding to pay that *Loane*, whereby many of them contracted ſuch ſickneſſes as coſt them their lives.

9. Great Sums of Money required and raiſed by Privy-Seals.

10. An unjuſt and pernicious attempt to extort great payments from the Subject, by way of Exciſe, and a Commiſſion iſſued under the Seal to that purpoſe.

11. The Petition of Right, which was granted in full Parliament blaſted, with an illegal Declaration to make it deſtructive to it ſelf, to the power of Parliament, to the liberty of the Subject, and to that purpoſe printed with it, and the Petition made of no uſe, but to ſhew the bold and preſumptuous Injuſtice of ſuch Miniſters as durſt break the Laws, and ſuppreſs the Liberties of the Kingdom, after they had been ſo ſolemnly and evidently declared.

12. Another Parliament diſſolved 4. *Car.* the Priviledge of Parliament broken, by Imprisoning divers Members of the Houſe, detaining them Cloſe Priſoners for many months together, without the liberty of uſing Books, Pen, Ink, or Paper; denying them all the comforts of life, all means of preſervation of Health, not permitting their Wives to come unto them, even in time of their Sickneſs.

13. And for the Compleating of that Cruelty, after years ſpent in ſuch miſerable durance, depriving them of the neceſſary means of Spiritual Conſolation, not ſuffering them to go abroad to enjoy Gods Ordinances in Gods Houſe; or Gods Miniſters to come to them, to Miniſter comfort to them, in their private Chambers.

14. And to keep them ſtill in this oppreſſed condition, not admitting them to be Bailed according to Law; yet vexing them with Informations in Inferiour Courts, Sentencing, and Fining ſome of them, for matters done in Parliament; and extorting the payments of thoſe Fines from them, enforcing others to put in ſecurity of good behaviour, before they could be releaſed.

15. The Impriſonment of the reſt, which refuſed to be bound, ſtill continued, which might have been perpetual, if neceſſity had not the laſt year brought another Parliament to relieve them, * of whom one dyed, by the Cruelty and harſhneſs of his Impriſonment, which would admit of no relaxation, notwithſtanding the eminent danger of his Life, did ſufficiently appear, by the Declaration of his Phyſician. And his releaſe, or at leaſt, his Refreſhment was ſought by many humble Petitions. And his Blood ſtill cryes either for Vengeance, or Repentance of thoſe Miniſters of State, who have at once obſtructed the Courſe, both of his Majeſties Juſtice and Mercy.

* Sir Jo. *Elliot.*

16. Upon the diſſolution of both theſe Parliaments, untrue and ſcandalous Declarations were publiſhed to aſperſe their proceedings, and ſome of their Members, unjuſtly; to make them odious, and Colour the violence which was uſed againſt them. Proclamations ſet out to the ſame purpoſe; and to the great dejecting of the hearts of the people, forbidding them even to ſpeak of Parliaments.

17. After the Breach of the Parliament, in the fourth of his Majeſty; Injuſtice, oppreſſion

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oppreſſion, and violence, broke in upon us without any reſtraint or moderation, and yet the firſt project, was the great Sums exacted thorough the whole Kingdom, for default of Knighthood; which ſeemed to have ſome Colour and ſhadow of a Law, yet if it be rightly examined by that obſolete Law which was pretended for it, it will be found to be againſt all the Rules of Juſtice, both in reſpect of the perſons charged, the proportion of the Fines demanded, and the abſurd and unreaſonable manner of their proceedings.

18. Tonnage and Poundage hath been received without Colour or pretence of Law: many other heavy impoſitions continued againſt Law; and ſome ſo unreaſonable, that the ſum of the Charge, exceeds the value of the Goods.

19. The Book of Rates lately inhaunced to a high proportion, and ſuch Merchants that would not ſubmit to their illegal and unreaſonable payments, were vexed and oppreſſed above meaſure; and the ordinary courſe of Juſtice, the Common Birthright of the Subject of *England* wholly obſtructed unto them.

20. And although all this was taken upon pretence of Guarding the Seas, yet a new and unheard of Tax of Ship Money was deviſed; and upon the ſame pretence. By both which there was charged upon the Subject near, 700000 *l.* ſome Years, and yet the Merchants have been left ſo naked to the violence of the Turkiſh Pirates; that many great Ships of value, and thouſands of his Majeſties Subjects have been taken by them; and do ſtill remain in miſerable Slavery.

21. The Enlargement of Foreſts, contrary to *Charta de Foreſta*, and the Compoſition thereupon.

22. The Exactions of Coat and Conduct Money, and divers other Military Charges.

23. The taking away the Arms of Trained-bands, of divers Counties.

24. The deſperate deſign of engroſſing all the Gun-powder into one hand, keeping it in the Tower of *London*, and ſetting ſo high a Rate upon it; that the poorer ſort were not able to buy it, nor could any have it without Licenſe; thereby to leave the ſeveral parts of the Kingdom deſtitute of their neceſſary defence; and by ſelling ſo dear that which was ſold, to make an unlawful advantage of it, to the great charge and detriment of the Subject.

25. The general deſtruction of the King's Timber, eſpecially that in the Foreſt of *Deane*, ſold to Papiſts which was the beſt Store-Houſe of this Kingdom, for the maintenance of our Shipping.

26. The taking away of mens right, under Colour of the Kings Title to Land, between high and low water marks.

27. The Monopolies of Soap, Salt, Wine, Leather, Sea-Cole, and in a manner, of all things of moſt common and neceſſary uſe.

28. The reſtraint of the Liberties of the Subjects in their Habitation, Trades and other Intereſts.

29. Their vexation and oppreſſion by Purveyors, Clerks of the Market, and Salt-Peter men.

30. The Sale of pretended Nuzances, as Building in and about *London*.

31. Converſion of Arable into Paſture, continuance of Paſture, under the name of depopulation, have droven many millions out of the Subjects purſes, without any conſiderable profit to his Majeſty.

32. Large quantities of Common and ſeveral Grounds hath been taken from the Subject, by Colour of the Statute of Improvement, and by abuſe of the Commiſſion of Sewers, without their conſent, and againſt it.

33. And not only private Intereſt, but alſo publick faith have been broken, in Seiſing of the Money and Bullion in the Mint, and the whole Kingdom like to be Robbed at once, in that abominable project of Braſs Money.

34. Great numbers of his Majeſties Subjects for refuſing thoſe unlawful Charges, have been vext with long and expenſive Suits, ſome Fined and, cenſured, others committed to long and hard Impriſonments, and Confinements; to the loſs of health in many, of life in ſome; and others have had their Houſes broken up, their Goods Seiſed, ſome have been reſtrained from their Lawful callings.

35. Ships have been interrupted in their Voyages, ſurprized at Sea in a hoſtile manner by projectors, as by a common Enemy.

36. Merchants prohibited to unlade their Goods in ſuch Ports as were for

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37. The Court of Star-Chamber, hath abounded in extravagant Cenſures, not only for the maintainance and improvement of Monopolies, and other unlawful Taxes, but for divers other Cauſes, where there hath been no offence, or very ſmall; whereby his Majeſties Subjects have been oppreſſed, by grievous Fines, Impriſonments, Stigmatizings, Mutilations, Whippings, Pillories, Gags, Confinements, Banniſhments; after ſo Rigid a manner as hath not only deprived men of the Society of their Friends, Exerciſe of their profeſſions, comfort of Books, uſe of Paper or Ink, but even violated that near Union, which God hath eſtabliſhed betwixt Men and their Wives, by forced and conſtrained ſeparation, whereby they have been bereaved of the Comfort and converſation one of another for many years together, without hope of relief, if God had not by his overuling providence given ſome interruption to the prevailing power, and Counſel of thoſe who were the Authors, and promoters of ſuch peremptory and Heady Courſes.

38. Judges have been put out of their places for refuſing to do againſt their Oaths, and Conſciences: others have been ſo awed that they durſt not do their duties, and the better to hold a Rod over them, the Clauſe *Quam diu ſe bene Geſſerit*, was left out of their Pattents, and a new Clauſe *Durante bene placito* inſerted.

39. Lawyers have been Checked, for being faithful to their Clients; Solicitors and Atturnies have been threatned, and ſome puniſhed for following Lawful Suits. And by this means all the approaches to Juſtice were interrupted and forecluded.

40. New Oaths have been forced upon the Subject againſt Law.

41. New Judicatories erected without Law. The Council Table have by their orders, offered to bind the Subjects in their Freeholds, Eſtates, Suits and Actions.

42. The pretended Court of the *Earl Marſhall* was Arbitrary, and illegal in its being and proceedings.

43. The Chancery, Exchequer-Chamber, Court of Wards, and other *Engliſh* Courts, have been grievous in exceeding their Jurisdiction.

44. The Eſtate of many Families weakned, and ſome ruined by exceſſive Fines, exacted from them for Compoſitions of Wardſhips.

45. All Leaſes of above 100. Years made to draw on Wardſhip contray to Law.

46. Undue proceedings uſed in the finding of Offices, to make the Jury find for the King.

47. The Common Law Courts, ſeeing all men more inclined to ſeek Juſtice there, where it may be fitted to their own deſire, are known frequently to forſake the Rules of the Common Law, and ſtraying beyond their bounds, under pretence of Equity to do Injuſtice.

48. Titles of Honour, Judicial places, Serjeants-ſhips at Law, and other Offices have been ſold for great Sums of Money; whereby the Common Juſtice of the Kingdom hath been much endangered, not only by opening a way of employment, in places of great truſt, and advantage to men of weak parts; but alſo by giving occaſion to Bribery, Extortion, Partiality; it ſeldome hapning that places ill gotten are well uſed.

49. Commiſſions have been granted for examining the exceſs of Fees: and when great exactions have been diſcovered, Compoſitions have been made with Delinquents, not only for the time paſt, but likewiſe for Immunity, and ſecurity in offending for the time to come, which under Colour of remedy, hath but confirmed and encreaſed the grievance to the Subject.

50. The uſual Courſe of pricking Sheriffs, not obſerved, but many times Sheriffs made in an extraordinary way, ſometimes as a puniſhment and charge unto them; ſometimes ſuch were pricked out as would be Inſtruments to execute whatſoever they would have to be done.

51. The Biſhops and the reſt of the Clergy, did triumph in the Suſpentions, Excommunications, Deprivations, and Degradations of divers Painful, Learned and pious Miniſters, in the vexation and grievous oppreſſion of great Numbers, of his Majeſties good Subjects.

52. The High Commiſſion grew to ſuch exceſs of Sharpneſs and ſeverity as

was

17 *Caroli.*

was not much leſs then the *Romiſh Inquiſition*, and yet in many Caſes by the Archbiſhops power, was made much more heavy, being aſſiſted, and ſtrengthned by Authority of the Council Table.

53. The Biſhops and their Courts were as eager in the Country; although their Juriſdiction could not reach ſo high in rigour, and extremity of puniſhment; yet were they no leſs greivous in reſpect of the generality, and multiplicity of Vexations, which lighting upon the meaner ſort of Tradeſmen, and Artificers did impoveriſh many thouſands.

54. And ſo afflict and trouble others, that great numbers to avoid their miſeries, departed out of the Kingdom, ſome into *New England*, and other parts of *America*, others into *Holland*.

55. Where they have Tranſported their Manufactures of Cloath, which is not only a loſs by diminiſhing the preſent Stock of the Kingdom, but a great miſchief by impairing and indangering the loſs of that peculiar Trade of Clothing, which hath been a plentiful Fountain of Wealth and Honour to this Nation.

56. Thoſe were fitteſt for Eccleſiaſtical preferment, and ſooneſt obtained it, who were moſt officious in promoting ſuperſtition, moſt virulent in railing againſt Godlineſs, and honeſty.

57. The moſt publick and ſolemn Sermons before his Majeſty, were, either to advance Prerogative above Law, and Decry the property of the Subject, or full of ſuch kind of Invectives.

58. Whereby they might make thoſe odious who ſought to maintain the Religion, Laws and Liberties of the Kingdom, and ſuch men were ſure to be weeded out of the Commiſſion of the Peace, and out of all other imployments of power in the Government of the Country.

59. Many Noble Perſonages were Councellours in name, but the Power and Authority, remained in a few of ſuch as were moſt addicted to this party. Whoſe reſolutions and Determinations were brought to the Table for countenance, and execution, and not for debate and deliberation, and no man could offer to oppoſe them, without diſgrace and hazard to himſelf.

60. Nay all thoſe that did not wholly concur and actively contribute to the furtherance of their Deſigns, though otherwiſe perſons of never ſo great Honour and Abilities, were ſo far from being employed in any place of Truſt, and Power, that they were neglected, diſcountenanced, and upon all occaſions injured and oppreſſed.

61. This Faction was grown to that height, and intireneſs of power, that now they began to think of finiſhing their Work, which conſiſted of theſe three parts.

62. I. The Government muſt be ſet free from all reſtraint of Laws concerning our Perſons and Eſtates.

63. II. There muſt be a conjunction betwixt Papiſts and Proteſtants in Doctrine, Diſcipline, and Ceremonies; only it muſt not yet be called Popery.

64. III. The Puritans, under which name, they include all thoſe that deſire to preſerve the Laws, and Liberties of the Kingdom, and to maintain Religion in the Power of it, muſt be either rooted out of the Kingdom with force, or driven out with fear.

65. For the effecting of this, it was thought neceſſary to reduce *Scotland* to ſuch Popiſh Superſtitions and Innovations as might make them apt to joyn with *England*, in that great change which was intended.

66. Whereupon new Cannons, and a new Liturgy were preſt upon them, and when they refuſed to admit of them, an Army was raiſed to force them to it, towards which the Clergy, and the Papiſts were very forward in their contribution.

67. The *Scots* likewiſe raiſed an Army for their defence.

68. And when both Armies were come together, and ready for a bloody Encounter, His Majeſty's own gracious diſpoſition, and the Counſel of the *Engliſh* Nobility and dutiful Submiſſion of the *Scots*, did ſo far prevail againſt the evil Counſel of others, that a Pacification was made, and His Majeſty returned with Peace and much Honour to *London*.

69. The unexpected Reconciliation, was moſt acceptable to all the Kingdom, except to the malignant Party; whereof the Archbiſhop and the Earl of *Strafford* being heads, they and their Faction begun to inveigh againſt the Peace, and to

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aggravate the Proceedings of the States, which ſo increaſed His Majeſty, that he forthwith prepared again for War.

70. And ſuch was their confidence, that having corrupted and diſtempered the whole Frame and Government of the Kingdom, they did now hope to corrupt that which was the only means to reſtore all to a right Frame and Temper again.

71. To which end they perſwaded His Majeſty to call a Parliament, not to ſeek Counſel and Advice of them, but to draw Countenance and Supply from them, and to ingage the whole Kingdom in their quarrel.

72. And in the mean time, continued all their unjuſt Leavies of Money, reſolving either to make the Parliament pliant to their Will, and to eſtabliſh miſchief by a Law, or elſe to break it, and with more colour to go on by violence, to take what they could not obtain by conſent. The Ground alleadged for the juſtification of this War, was this,

73. That the undutiful Demands of the Parliaments in *Scotland*, was a ſufficient reaſon for His Majeſty to take Arms againſt them, without hearing the reaſon of thoſe Demands, and thereupon a new Army was prepared againſt them, their Ships were ſeized in all Ports both of *England* and *Ireland*, and at Sea, their Petitions rejected, their Commiſſioners refuſed Audience.

74. This whole Kingdom moſt miſerably diſtempered with Levies of Men and Money, and Impriſonments of thoſe who denied to ſubmit to thoſe Levies.

75. The Earl of *Strafford* paſt into *Ireland*, cauſed the Parliament there, to declare againſt the *Scots*, to give four Suſidies towards that War: and to ingage themſelves, their Lives and Fortunes for the Proſecution of it, and gave directions for an Army of eight thouſand Foot and one thouſand Horſe, to be levied there, which were for the moſt part Papiſts.

76. The Parliament met upon the 13*th* of *April* 1640. The Earl of *Strafford* and Archbiſhop of *Canterbury*, with their party ſo prevailed with His Majeſty, that the Houſe of Commons was preſt to yield a Supply for maintenance of the War with *Scotland*, before they had provided any relief for the great and preſſing grievances of the people, which being againſt the fundamental priviledge and proceeding of Parliament, was yet in humble reſpect to His Majeſty, ſo far admitted as that they agreed to take the matter of Supply into conſideration, and two ſeveral days it was debated.

77. Twelve Subſidies were demanded for the releaſe of Ship-money alone: A third day was appointed for concluſion, when the Heads of that party begun to fear the people might cloſe with the King, in ſatisfying his Deſires of Money: But that withal they were like to blaſt their malicious Deſigns againſt *Scotland*, finding them very much indiſpoſed to give any countenance to that War.

78. Thereupon they wickedly adviſed the King to break off the Parliament, and to return to the ways of confuſion, in which their own evil Intentions were moſt like to proſper and ſucceed.

79. After the Parliament ended the 5*th* of *May* 1640. this party grew ſo bold, as to Counſel the King to ſupply himſelf out of his Subjects Eſtates by his own power, at his own Will without their Conſent.

80. The very next day, ſome Members of both Houſes had their Studies and Cabinets, yea their Pockets ſearched: Another of them not long after was committed cloſe Priſoner, for not delivering ſome Petitions, which he received by Authority of that Houſe.

81. And if harſher Courſes were intended (as was reported) it is very probable that the Sickneſs of the Earl of *Strafford*, and the Tumultuous riſing in *Southwark* and about *Lambeth*, were the Cauſes that ſuch violent Intentions were not brought to execution.

82. A falſe and ſcandalous Declaration againſt the Houſe of Commons, was publiſhed in His Majeſty's Name, which yet wrought little effect with the People, but only to manifeſt the Impudence of thoſe who were Authors of it.

83. A forced Loan of Money was attempted in the City of *London*.

84. The Lord Mayor and Aldermen in their ſeveral Wards, injoyned to bring in a Liſt of the Names of ſuch perſons as they judged fit to lend, and of the Sum they ſhould lend. And ſuch Aldermen as refuſed ſo to do, were committed to Priſon.

85. The Archbiſhop and the other Biſhops and Clergy continued the Convocation, and by a new Commiſſion, turned it into a provincial Synod, in which

which by an unheard of Presumption, they made Cannons that contain in them many Matters, contrary to the Kings Prerogative, to the fundamental Laws and Statutes of the Realm, to the Right of Parliaments, to the Property and Liberty of the Subject, and Matters tending to Sedition, and of dangerous Consequence, thereby establishing their own Usurpations, justifying their Altar Worship, and those other Superstitious Innovations, which they formerly introduced without warrant of Law. 17 *Caroli.*

86. They imposed a new Oath upon divers of His Majesty's Subjects both Ecclesiastical, and Lay, for maintenance of their own Tyranny, and laid a great Tax upon the Clergy, for Supply of His Majesty, and generally they shewed themselves, very affectionate to the War with *Scotland*, which was by some of them stiled *Bellum Episcopale*, and a Prayer composed, and enjoyned to be read in all Churches, calling the *Scots* Rebels, to put the two Nations in Blood and make them Irreconcileable.

87. All those pretended Canons and Constitutions, were armed with the several Censures of Suspension, Excommunication, Deprivation, by which they would have thrust out all the good Ministers, and most of the well-affected People of the Kingdom, and left an easie passage to their own design of Reconciliation with *Rome*.

88. The Popish party enjoyed such exemptions from Penal Laws, as amounted to a Tolleration, besides many other Encouragements and Court favours.

89. They had a Secretary of State, Sir *Francis Windebanck*, a powerful Agent for speeding all their Desires.

90. A *Pope's Nuntio* residiug here, to act and govern them according to such Influences as he received from *Rome*, and to intercede for them with the most powerful Concurrence of the Foreign Princes of that Religion.

91. By his Authority, the Papists of all sorts, Nobility, Gentry, and Clergy were convocated after the manner of a Parliament.

92. New Jurisdictions were erected of Romish Archbishops, Taxes levied, another State moulded within this State Independent in Government, contrary in interest and affection, secretly corrupting the Ignorant, or negligent Professors of our Religion, and closely uniting and combining themselves against such as were found, in this Posture waiting for an opportunity by force to destroy those, whom they could not hope to seduce.

93. For the effecting whereof, they were strengthened with Arms and Munition encouraged by superstitious Prayers, enjoyned by the *Nuntio* to be weekly made for the prosperity of some great Design.

94. And such power had they at Court, that secretly a Commission was issued out, or intended to be issued to some great Men of that Profession, for the levying of Souldiers, and to command and imploy them according to private Instructions, which we doubt were framed for the Advantage of those who were the Contrivers of them.

95. His Majesty's Treasure was consumed, his Revenue anticipated.

96. His Servants and Officers compelled to lend great Sums of Money.

97. Multitudes were called to the Council-Table, who were tired with long attendances there for refusing illegal payments.

98. The Prisons were filled with their commitments: Many of the Sheriffs summoned into the *Star-Chamber*; and some Imprisoned for not being quick enough in levying the Ship-money, the People languished under grief and fear, no visible hope being left, but in desperation.

99. The Nobility began to be weary of their Silence, and Patience, and sensible of the Duty, and Trust which belongs to them: and thereupon some of the most Ancient of them did Petition His Majesty at such a time, when evil Counsels were so strong, that they had occasion to expect more hazard to themselves, then redress of those publick Evils for which they interceded.

100. Whilest the Kingdom was in this Agitation and Distemper, the *Scots* restrained in their Trades, impoverished by the loss of many of their Ships, bereaved of all possibility of satisfying His Majesty by any naked Supplication, entred with a powerful Army, into the Kingdom, and without any Hostile Act or Spoil in the Country they passed, more then forcing a Passage over the *Tyne* at *Newburne*, near *Newcastle*, possessed themselves of *Newcastle*, and had a fair opportunity to press on further upon the King's Army.

101. But

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101. But duty and reverence to His Majeſty, and brotherly love to the *Engliſh* Nation, made them ſtay there; whereby the King had leiſure to entertain better Counſels.

102. Wherein God ſo bleſſed and directed him that he ſummoned the great Council of Peers to meet at *York* upon the 24*th.* of *September*, and there declared a Parliament to begin the 3*d.* of *Novemb.* then following.

103. The *Scots* the firſt day of the great Council, preſented an humble Petition to His Majeſty, whereupon the Treaty was appointed at *Rippon.*

104. A preſent Ceſſation of Arms agreed upon, and the full Concluſion of all Differences referred to the Wiſdom and Care of the Parliament.

105. As our firſt Meeting, all Oppoſitions ſeemed to vaniſh, the Miſcheifs were ſo evident, which thoſe Evil Counſellors produced, that no Man durſt ſtand up to defend them. Yet the Work it ſelf afforded difficulty enough.

106. The multiplied Evils and Corruption of ſixteen Years, ſtrengthened by Cuſtom and Authority, and the concurrent Intereſt of many powerful Delinquents were now to be brought to Judgment and Reformation.

107. The King's Houſhold was to be provided for, they had brought him to that Want, that he could not ſupply his ordinary and neceſſary Expences, without the aſſiſtance of his people.

108. Two Armies were to be paid, which amounted very near to eighty thouſand pounds a Month.

109. The people were to be tenderly charged, having been formerly exhauſted with many burthenſome projects.

110. The difficulties ſeemed to be inſuperable, which by the Divine Providence we have overcome. The contrarieties incompatible, which yet in a great meaſure we have reconciled.

111. Six Subſidies have been granted and a Bill of Poll-money, which if it be duely levied, may equal ſix Subſidies more, in all ſix hundred thouſand pounds.

112. Beſides we have contracted a Debt to the *Scots* of two hundred and twenty thouſand pounds, yet God hath ſo bleſſed the Endeavours of this Parliament, that the Kingdom is a great Gainer by all theſe Charges.

113. The Ship-money is aboliſhed, which coſt the Kingdom above two hundred thouſand pound a Year.

114. The Coat and Conduct-money, and other Military Charges are taken away, which in many Countries amounted to little leſs then the Ship-money.

115. The Monopolies are all ſuppreſt, whereof ſome few did prejudice the Subject, above a million yearly.

116. The Soap an hundred thouſand pounds.

117. The Wine three hundred thouſand pounds.

118. The Leather muſt needs exceed both, and Salt could be no leſs then that.

119. Beſides the inferior Monopolies, which if they could be exactly computed, would make up a great Sum.

120. That which is more beneficial then all this is, that the root of theſe Evils is taken away, which was the Arbitrary Power pretended to be in his Majeſty, of taxing the Subject, or charging their Eſtates without Conſent in Parliament, which is now declared to be againſt Law by the Judgment of both Houſes, and likewiſe by an Act of Parliament.

121. Another ſtep of great Advantage is this, The living Grievances, the evil Counſellors and Actors of theſe Michiefs have been ſo quelled.

122. By the Juſtice done upon the Earl of *Strafford*, the Flight of the Lord *Finch* and Secretary *Windebanck.*

123. The Accuſation and Impriſonment of the Archbiſhop of *Canterbury*, of Judge *Bartlet.* And

124. The Impeachment of divers other Biſhops and Judges, that it is like not only to be an eaſe to the preſent times, but a preſervation to the future.

125. The diſcontinuance of Parliaments is prevented by the Bill for a triennial Parliament, and the abrupt diſſolution of this Parliament by another Bill, by which it is provided, it ſhall not be diſolved or adjourned without the Conſent of both Houſes.

127. Which

126. Which two Laws well conſidered, may be thought more advantageous then all the former, becauſe they ſecure a full Operation of the preſent Remedy, and afford a perpetual Spring of Remedies for the future.

127. The *Star Chamber.*

128. The High Commiſſion.

129. The Courts of the Preſident, and Council in the *North*, were ſo many forges of Miſery, Oppreſſion, and Violence, and are all taken away, whereby Men are more ſecured in their Perſons, Liberties, and Eſtates, then they could be by any Law or Example, for the regulation of thoſe Courts or Terror of the Judges.

130. The immoderate power of the Council-Table, and the exceſſive abuſe of that power is ſo ordered and reſtrained, that we may well hope that no ſuch things as were frequently done by them, to the prejudice of the publick Liberty, will appear in future times but only in Stories, to give us and our poſterity more occaſion to praiſe God for His Majeſty's goodneſs, and the faithful Endeavours of this Parliament.

131. The Canons and power of Canon making, are blaſted by the Votes of both Houſes.

132. The exorbitant power of Biſhops and their Courts are much abated, by ſome proviſions in the Bill againſt the High-Commiſſion Court, the Authors of the many Innovations in Doctrine and Ceremonies.

133. The Miniſters that have been ſcandalous in their Lives, have been ſo terrified in juſt Complaints and Accuſations, that we may well hope they will be more modeſt for the time to come; either inwardly convicted by the ſight of their own Folly, or outwardly reſtrained by the fear of puniſhment.

134. The Foreſts are by a good Law reduced to their right Bounds.

135. The Encroachments and Oppreſſions of the *Stannery-Courts*, the Extortions of the Clark of the Market.

136. And the Compulſion of the Subject, to receive the Order of Knighthood againſt his Will, paying of Fines for not receiving it, and the vexatious proceedings thereupon for levying of thoſe Fines, are by other beneficial Laws reformed and prevented.

137. Many excellent Laws and Proviſions are in preparation for removing the inordinate power, Vexation and Uſurpation of Biſhops, for reforming the Pride and Idleneſs of many of the Clergy, for eaſing the people of unneceſſary Ceremonies in Religion, for cenſuring and removing unworthy and unprofitable Miniſters, and for maintaining Godly and dilligent Preachers, through the Kingdom.

138. Other things of main Importance for the good of this Kingdom, are in propoſition, though little could hitherto be done in regard of the many other more preſſing Buſineſſes, which yet before the end of this Seſſion, we hope may receive ſome progreſs and perfection.

139. The eſtabliſhing and ordering the King's Revenue, that ſo the abuſe of Officers and ſuperfluity of Expences may be cut off, and the neceſſary diſburſments for His Majeſty's Honour, the Defence and Government of the Kingdom may be more certainly provided for.

140. The Regulating of Courts of Juſtice, and abridging both the Delays and Charges of Law-Suits.

141. The ſettling of ſome good Courſes for preventing the exportation of Gold and Silver, and the inequallity of Exchanges betwixt us and other Nations, for the advancing of Native Commodities, increaſe of our Manufactures, and well-ballancing of Trade, whereby the Stock of the Kingdom may be encreaſed; or at leaſt kept from impairing, as through neglect hereof it hath done for many years laſt paſt.

142. Improving the Herring Fiſhing, upon our own Coaſts, which will be of mighty uſe in the Imployment of the Poor, and a plentiful Nurſery of Mariners for inabling the Kingdom in any great Action.

143. The Oppoſitions, Obſtructions, and other difficulties wherewith we have been encountred, and which ſtill lye in our way with ſome ſtrength and much obſtinacy are theſe: The Malignant party whom we have formerly deſcribed to be the Actors and Promoters of all our miſery they have taken heart again.

144. They

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144. They have been able to prefer ſome of their own Factors and Agents, to degrees of Honour, to places of truſt and imployment, even during the Parliament.

145. They have endeavoured to work in his Majeſty ill impreſſions and opinions of our proceedings, as if we had altogether done our own work, and not his; and had obtained from him many things very prejudicial to the Crown, both in reſpect of prerogative and profit.

146. To wipe out this ſlander, We think good only to ſay thus much. That all that we have done, is for his Majeſty, His Greatneſs, Honour, and Support, when we yield to give twenty five thouſand Pound a Month for the relief of the *Northern* Counties, this was given to the King, for he was bound to protect his Subjects.

147. They were his Majeſties Evil Counſellours, and their ill Inſtruments that were Actors in thoſe grievances which brought in the *Scots*.

148. And if his Majeſty pleaſe to force thoſe who were the Authors of this War to make ſatisfaction, as he might juſtly and eaſily do; it ſeems very reaſonable that the People might well be excuſed from taking upon them this burden, being altogether innocent and free from being any cauſe of it.

149. When we undertook the charge of the Army, which coſt above 50000 *l.* a Month, was not this given to the King? Was it not his Majeſtie's Army? Were not all the Commanders under contract with his Majeſty, at higher Rates and greater wages than ordinary?

150. And have not we taken upon us to diſcharge all the Brotherly aſſiſtance of three hundred thouſand pounds, which we gave the *Scot*'s? was it not toward repair of thoſe damages and and loſſes which they received from the Kings Ships and from his Miniſters.

151. Theſe three particulars amount to above 1100. thouſand pound.

152. Beſides his Majeſty hath received by Impoſitions upon Merchandize at leaſt 400. thouſand pounds.

153. So that his Majeſty hath had out of the Subjects Purſe ſince the Parliament began one Million and a half, and yet theſe men can be ſo impudent as to tell his Majeſty, that we have done nothing for him:

154. As to the ſecond branch of this ſlander, we acknowledge with much, thankfulneſs that his Majeſty hath paſſed more good Bills to the advantage of the Subjects, then have been in many Ages.

155. But withal we cannot forget, that theſe venemous Councils did manifeſt themſelves in ſome endeavours to hinder theſe good Acts.

156. And for both Houſes of Parliament, we may with truth and modeſty ſay thus much. That we have ever been careful not to deſire any thing that ſhould weaken the Crown either in juſt profit or uſeful power.

157. The Triennial Parliament for the matter of it, doth not extend to ſo much, as by Law we ought to have required, (there being two Statutes ſtill in force for a Parliment to be once a year) and for the manner of it, it is in the Kings power, that it ſhall never take effect, if he by a timely Summons ſhall prevent any other way of Aſſembling.

158. In the Bill for continuance of this preſent Parliament, there ſeems to be ſome reſtraint of the Royal power in diſſolving of Parliaments, not to take it out of the Crown, but to ſuſpend the execution of it, for this time and occaſion only: which was ſo neceſſary for the Kings own ſecurity and the publick peace, that without it we could not have undertaken any of theſe great Charges, but muſt have left both the Armies to diſorder and confuſion, and the whole Kingdom to Blood and Rapine.

159. The Star Chamber was much more fruitful in oppreſſion then in profit, the great Fines being for the moſt part given away, and the reſt ſtalled at long times.

160. The Fines of the High Commiſſion were in themſelves unjuſt, and ſeldome or never came into the Kings Purſe: Theſe four Bills are particularly and more ſpecially inſtanced.

161. In the reſt there will not be found, ſo much as a ſhadow of prejudice to the Crown.

162. They have ſought to diminiſh our reputation with the people, and to bring them out of Love with Parliaments.

163. The Aſperſions which they have attempted this way, have been ſuch as theſe.

164. That

17 *Caroli.*

164. That we have ſpent much time and done little, eſpecially in thoſe grievances which concern Religion.

165. That the Parliament is a burthen to the Kingdom by the abundance of protections which hinder Juſtice and trade; And by many Subſidies granted much more heavy then any formerly endured.

166. To which there is a ready anſwer if the time ſpent in this Parliament, be conſidered in relation backward to the long growth and deep Root of thoſe grievances, which we have removed, to the powerful ſupports of thoſe Delinquents, which we have purſued, to the great Neceſſities and other Charges of the Common-wealth, for which we have provided.

167. Or if it be conſidered in relation forward to many advantages, which not only the preſent, but future Ages are like to reap by the good Laws and other Proceedings in this Parliament: we doubt not but it will be thought by all indifferent judgments, that our time hath been much better imployed, then in a far greater proportion of time in many former Parliaments put together; and the charges which have been laid upon the Subject, and the other inconveniencies which they have born, will ſeem very light in reſpect of the benefit they have and may receive.

168. And for the matter of Protections, the Parliament is ſo ſenſible of it that therein they intended to give them whatſoever eaſe may ſtand with Honour and Juſtice; and are in a way of paſſing a Bill to give them ſatisfaction.

169. They have ſought by many ſubtile practices, to cauſe jealouſies and diviſions betwixt us and our Brethren of *Scotland*, by ſlandering their proceedings and intentions towards us, and by ſecret endeavours to inſtigate and incenſe them and us one againſt another.

170. They have had ſuch a party of Biſhops and Popiſh Lords in the Houſe of Peers, as hath cauſed much oppoſition and delay in the proſecution of Delinquents, hindred the proceedings of divers good Bills paſſed in the Commons Houſe, concerning the Reformation of ſundry great abuſes and corruptions both in Church and State.

171. They have laboured to ſeduce and corrupt ſome of the Commons Houſe, to draw them into conſpiracies and combinations againſt the liberty of the Parliament.

172. And by their Inſtruments and Agents, they have attempted to diſaffect and diſcontent his Majeſties Army; and to ingage it for the maintainance of their Wicked and Trayterous deſigns; the keeping up of Biſhops in Votes and Functions, and by force to compel the Parliament to order, limit, and diſpoſe their proceedings in ſuch manner as might beſt concur with the intentions of this dangerous and potent Faction.

173. And when one miſchievious deſign, and attempt of theirs to bring on the Army againſt the Parliament, and the City of *London*, hath been diſcovered and prevented;

175. They preſently undertook another of the ſame damnable Nature, with this addition to it, to endeavour to make the *Scottiſh* Army Neutral, whileſt the *Engliſh* Army, which they had laboured to corrupt and Invenom againſt us, by their falſe and ſlanderous ſuggeſtions, ſhould execute their malice to the ſubverſion of our Religion, and the diſſolution of our Government.

176. Thus they have been continually practiſing to diſturb the Peace, and Plotting the diſtruction even of all the Kings Dominions; and have imployed their Emiſſaries, and Agents in them, all for the promoting their devliſh deſigns which the vigilancy of thoſe who were well affected, hath ſtill diſcovered and defeated before they were ripe for Execution in *England* and *Scotland*.

177. Only in *Ireland*, which was farther off, they have had time and opportunity to mould and prepare their work, and had brought it to that perfection, that they had poſſeſſed themſelves of that whole Kingdom, totally ſubverted the Government of it; routed out Religion, and deſtroyed all the Proteſtants whom the Conſcience of their Duty to God, their King and Country would not have permitted to joyn with them, if by Gods wonderful providence their main enterprize upon the City and Caſtle of *Dublin*, had not been detected and prevented upon the very Eve before it ſhould have been Executed.

178. Notwithſtanding they have in other parts of that Kingdom broken out into open Rebellion, ſurpriſing Towns and Caſtles, committed Murders, Rapes, and other Villanies, and ſhaken off all Bonds of obedience to his Majeſty, and the Laws of the Realm.

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179. And in general have kindled ſuch a Fire, as nothing but Gods infinite bleſſing upon the Wiſdom and endeavours of this ſtate will be able to quench it.

180. And certainly had not God in his great mercy unto this Land diſcovered and confounded their former deſigns we had been the Prologue to this Tragedy in *Ireland*, and had by this been made the lamentable Spectacle of Miſery and Confuſion.

181. And now what hope have we but in God, when as the only means of our ſubſiſtence and power of reformation is under him in the Parliament.

182. But what can we the Commons, without the Conjunction of the Houſe of Lords, and what conjunction can we expect there, when the Biſhops and Recuſant Lords are ſo numerous, and prevalent that they are able to croſs, and interrupt our beſt endeavours for Reformation; and by that means give advantage to this Malignant Party to traduce our proceedings.

183. They infuſe into the People that we mean to aboliſh all Church Government, and leave every man to his own fancy, for the ſervice and worſhip of God, abſolving him of that obedience which he owes under God unto his Majeſty; whom we know to be intruſted with the Eccleſiaſtical Law as well as with the Temporal, to regulate all the Members of the Church of *England, by ſuch Rules of Order and Diſcipline as are Eſtabliſhed by Parliament; which is his great Council, in all affairs both in Church and State.*

184. We confeſs our intention is, and our endeavours have been to reduce within bounds that Exorbitant Power, which the Prelates have aſſumed unto themſelves ſo contrary both to the word of God, and to the Laws of the Land, to which end we paſt the Bill for the removing them from their Temporal power and imployments: that ſo the better they might with meekneſs apply themſelves to the diſcharge of their Functions, which Bill themſelves oppoſed, and were the principal Inſtruments of Croſſing it.

185. And we do here declare that it is far from our purpoſe or deſire, to let looſe the Golden Reins of Diſcipline, and Government in the Church, to leave private perſons or particular Congregations to take up what Form of Divine Service they pleaſe, for we hold it requiſite that there ſhould be throughout the whole Realm a conformity to that order which the Laws enjoyn according to the word of God. And we deſire to unburthen the Conſciences of Men of needleſs and Superſtitious Ceremonies, ſuppreſs Innovations, and take away the Monuments of Idolatry.

186. And the better to effect the intended Reformation, we deſire there may be a General Synod of the moſt Grave, Pious, Learned, and Judicious Divines of this Iſland; aſſiſted with ſome from Foreign Parts, profeſſing the ſame Religion with us; who may conſider of all things neceſſary for the Peace and good Government of the Church, and repreſent the Reſults of their conſultations unto the Parliament, to be there allowed of and confirmed, and receive the Stamp of Authority, thereby to find paſſage and obedience throughout the Kingdom.

187. They have maliciouſly charged us that we intend to deſtroy, and, diſcourage Learning, whereas it is our chiefeſt care and deſire to advance it, and to provide a Competent maintenance for Conſcionable and Preaching Miniſters throughout the Kingdom, which will be a great encouragement to Schollars, and a certain means whereby the want, meaneſs, and Ignorance, to which the a great part of the Clergy is now ſubject, will be prevented.

188. And we intended likewiſe to reform, and purge the Fountains of Learning, the two Univerſities, that the Streams flowing from thence may be clear and pure, and an honour and Comfort to the whole Land.

189. They have ſtrained to blaſt our proceedings in Parliament, by wreſting the Interpretations of our Orders from their Genuine intention.

190. They tell the people that our medling with the power of Epiſcopacy, hath cauſed Sectaries and Conventicles, when Idolatry and Popiſh Ceremonies introduced into the Church, by the command of the Biſhops have not only debarred the People from thence, but expelled them from the Kingdom.

191. Thus with *Eliab*, we are called by this Malignant Party the troublers of the State, and ſtill while we endeavour to reform their abuſes, they make us the Authors of thoſe miſchiefs we ſtudy to prevent.

192. For the perfecting of the Work begun, and removing all future Impediments, we conceive theſe Courſes will be very effectual, ſeeing the Religion

of

of the Papiſts hath ſuch principles as do certainly tend to the deſtruction and extirpation of all Proteſtants, when they ſhall have opportunity to effect it. 17 *Carol.*

194. It is neceſſary in the firſt place to keep them in ſuch condition, as that they may not be able to do us any hurt and for avoiding of ſuch connivance and favour as hath heretofore been ſhewed unto them.

195. That His Majeſty be pleaſed to grant a ſtanding Commiſſion to ſome choice Men named in Parliament, who may take notice of their increaſe, their Counſels and Proceedings, and uſe all due means by execution of the Laws to prevent all miſchievous Deſigns, againſt the Peace and Safety of this Kingdom.

196. That ſome good Courſe be taken to diſcover the Counterfeit and falſe Conformity of Papiſts to the Church, by colour whereof perſons very much diſaffected to the true Religion, have been admitted into places of greateſt Authority and Truſt in the Kingdom.

197. For the better Preſervation of the Laws and Liberties of the Kingdom, that all illegal Grievances and Exactions be preſented and puniſhed at the Seſſions and Aſſizes.

198. And that Judges and Juſtices be very careful to give this in Charge to the Grand Juries, and both the Sheriff, and Juſtices to be Sworn to the due Execution of the Petition of Right and other Laws.

199. That His Majeſty be humbly petitioned by both Houſes, to employ ſuch Counſellors, Ambaſſadors, and other Miniſters in managing his buſineſs at home and abroad as the Parliament may have cauſe to confide in, without which we cannot give His Majeſty ſuch Supplies for ſupport of his own Eſtate, nor ſuch aſſiſtance to the Proteſtant party beyond the Sea as is deſired.

200. It may often fall out, that the Commons may have juſt cauſe to take exceptions at ſome Men for being Councellours, and yet not charge thoſe Men with Crimes, for there be Grounds of Diffidence which lye not in proof.

201. There are others which though they may be proved, yet are not legally Criminal.

202. To be a known favourer of Papiſts, or to have been very forward in defending or countenancing ſome great Offenders queſtioned in Parliament; or to ſpeak contemptuouſly of either Houſes of Parliament; or Parliamentary proceedings;

203. Or ſuch as are Factors or Agents for any Foreign Prince, of another Religion; ſuch are juſtly ſuſpected to get Counſellors places or any other of Truſt, concerning publick Imployment for Money; for all theſe and divers others we may have great reaſon to be earneſt with His Majeſty, not to put his great Affairs into ſuch Hands, though we may be unwilling to proceed againſt them in any legal way of Charge or Impeachment.

204. That all Counſellors of State may be ſworn to obſerve thoſe Laws which concern the Subject in his Liberty, that they may likewiſe take an Oath not to receive, or give reward or penſion from any Foreign Prince, but ſuch as they ſhall within ſome reaſonable time diſcover to the Lords of His Majeſty's Council.

205. And although they ſhould wickedly forſwear themſelves, yet it may herein do good to make them known to be falſe and perjured to thoſe who imploy them, and thereby bring them into as little Credit with them as with us.

206. That His Majeſty may have cauſe to be in love with good Counſel and good Men, by ſhewing him in an humble and dutiful manner, how full of advantage it would be to himſelf, to ſee his own Eſtate ſettled in a plentiful Condition to ſupport his Honour, to ſee his people united in ways of duty to him, and endeavours of the publick Good, to ſee Happineſs, Wealth, Peace and Safety derived to his own Kingdom, and procured to his Allies by the influence of his own Power and Government.

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His Majeſties Anſwer to the Petition which accompanied the Declaration, preſented to him at *Hampton Court*, 1 *Decemb.* 1641.

Kings Anſwer to the Petition that attended the Remonmonſtrance.

WE having received from you, ſoon after Our return out of Scotland *a long Petition, conſiſting of many deſires of great moment, together with a Declaration of a very unuſual nature annexed thereunto, We had taken ſome time to conſider of it, as befitted Us in a matter of that conſequence, being confident that your own Reaſon and Regard to Us, as well as Our expreſs Intimation, by Our Comptroller, to that purpoſe, would have reſtrained you from the publiſhing of it, till ſuch time as you ſhould have received Our Anſwer to it; but, much againſt our expectation, finding the contrary, that the ſaid Declaration is already abroad in Print, by directions from your Houſe, as appears by the Printed Copy, We muſt let you know that We are* very ſenſible *of the* diſreſpect. *Notwithſtanding, it is Our Intention that no failing on your part ſhall make Us fail in* Ours, *of giving all due ſatisfaction to the deſires of our People, in a Parliamentary way, and therefore We ſend you this Anſwer to your* Petition, *reſerving Our Self in point of the* Declaration, *which We think* Unparliamentary, *and ſhall take a courſe to do that which We ſhall think fit in Prudence and Honour.*

To the Petition, We ſay, That although there are divers things in the preamble of it, which We are ſo far from admitting, that We profeſs, We cannot at all underſtand them, as, of a Wicked and Malignant Party prevalent in the Government; of ſome of that Party admitted to Our Privy-Council, and to other Employments of Truſt, and neareſt to Us and Our Children; of endeavours to ſow among the people falſe Scandals and Imputations, to blemiſh and diſgrace the proceedings of the Parliament: *All, or any of which, did We know of, We ſhould be as ready to Remedy and Puniſh, as you to complain of, ſo that the Prayers of your Petition are grounded upon ſuch premiſes, as We muſt in no wiſe admit; yet, notwithſtanding, We are pleaſed to give this Anſwer to you.*

To the firſt, concerning Religion, *conſiſting of ſeveral Branches, We ſay, That for preſerving the Peace and Safety of this Kingdom, from the deſign of the Popiſh Party, We have, and will ſtill, concur with all the Juſt deſires of Our People, in a Parliamentary way. That for the depriving of the* Biſhops *of their Votes in Parliament, We would have you conſider, that their Right is grounded upon the* fundamental Law *of the Kingdom, and Conſtitution of Parliament. This We would have you conſider, but ſince you deſire Our concurrence herein, in a Parliamentary way, We will give no further anſwer at this time.*

As for the abridging of the Inordinate power of the Clergy, We conceive that the taking away of the High-Commiſſion-Court *hath well moderated that, but if there continue any Uſurpations or Exceſſes in their Juriſdictions, We therein neither have, nor will protect them.*

Unto that Clauſe which concerneth Corruptions (as you ſtile them) in Religion, in Church Government, and in Diſcipline, and the removing of ſuch unneceſſary Ceremonies *as weak Conſciences might check at: That for any* Illegal *Innovations, which may have crept in, We ſhall willingly concur in the removal of them. That if Our Parliament ſhall adviſe Us to call a* National Synod, *which may duly examine ſuch Ceremonies as give juſt cauſe of offence to any, We ſhall take it into conſideration, and apply Our ſelf to give due ſatisfaction therein; but we are very ſorry to hear in ſuch General terms,* Corruption *in Religion objected, ſince We are perſwaded in our Conſcience, that no Church can be found upon the Earth that profeſſeth the true Religion with more* Purity *of Doctrine than the Church of* England *doth, nor where the Government and Diſcipline*

17 *Caroli.*

Diſcipline are jointly more beautified, and free from Superſtition, *then as they are here Eſtabliſhed by Law, which, by the Grace of God, We will with Conſtancy maintain (while we live) in their Purity and Glory, not only againſt all Invaſions of Popery, but alſo from the Irreverence of thoſe many* Schiſmaticks *and* Separatiſts, *wherewith of late this Kingdom and this City abounds, to the great Diſhonour and Hazard both of Church and State, for the ſuppreſſion of whom We require your timely Aid, and active Aſſiſtance.*

To the ſecond Prayer of the Petition, concerning the removal and choice of Counſellors, We know not any of Our Council, to whom the Character ſet forth in the Petition can belong. That by thoſe whom We had expoſed to trial, We have already given you ſufficient Teſtimony, that there is no man ſo near unto Us in place, or affection, whom We will not leave to the Juſtice of the Law, if you ſhall bring a particular Charge, and ſufficient Proofs againſt him; and of this We do again aſſure you, but in the mean time We wiſh you to forbear ſuch general aſperſions as may reflect upon all Our Council, ſince you name none in particular.

That for the choice of Our Counſellors and Miniſters of State, it were to debar Us that Natural Liberty all Freemen have; and as it is the undoubted Right of the Crown of England, *to call ſuch perſons to Our ſecret Councels, to publick Employment, and Our particular Service, as We ſhall think fit, ſo We are, and ever ſhall be very careful to make Election of ſuch perſons, in thoſe places of Truſt, as ſhall have given good Teſtimonies of their Abilities and Integrity, and againſt whom there can be no Juſt cauſe of Exception, whereon reaſonably to ground a diffidence; and to Choices of this Nature, We aſſure you that the Mediation of the neareſt unto Us hath always concurred.*

To the third Prayer of your Petition concerning Ireland, *We underſtand your deſire of not alienating the forfeited Lands thereof, to proceed from much Care and Love, and likewiſe, that it may be a reſolution very fit for Us to take; but whether it be ſeaſonable to declare Reſolutions of that Nature, before the Events of a War be ſeen, that We much doubt of. Howſoever, We cannot but thank you for this Care, and your chearful Ingagement for the ſuppreſſion of that Rebellion; upon the ſpeedy Effecting whereof, the Glory of God in the Proteſtant Profeſſion, the ſafety of the* Britiſh *there, Our Honour, and that of the Nation ſo much depends; all the Intereſts of this Kingdom being ſo involved in that buſineſs, We cannot but quicken your Affections therein, and ſhall deſire you to frame your Councels, to give ſuch Expedition to the Work, as the Nature thereof, and the preſſures in point of time require; and whereof you are put in mind by the daily Inſolence and Increaſe of thoſe Rebels.*

For concluſion, your promiſe to apply your ſelves to ſuch courſes as may ſupport Our Royal Eſtate with Honour and Plenty at home, and with Power and Reputation abroad, is that which We have ever promiſed Our Self, both from your Loyalties and Affections, and alſo for what We have already done, and ſhall daily go adding unto, for the Comfort and Happineſs of Our People.

The Speakers's Speech to the King, at his paſſing the Bill for Tonage and Poundage, being the firſt time that his Majeſty came to the Parliament, after his return from *Scotland.*

Moſt Dread Soveraign,

THE *obſervation taken from the unlike Compoſitions, and various motions of the World, made the Philoſopher conclude,* Tota hujus mundi concordia ex diſcordibus conſtat.

The Happy Conjuncture of both theſe Nations, in the Triumph and Joy of your Sacred preſence, extracted from the different and divided Diſpoſitions and Opinions, gives us cauſe to obſerve and admire theſe bleſſed effects, from ſuch contrary cauſes; we may without Flattery, commend your Sacred Majeſty, the Glorious Inſtrument of this happy Change, whoſe Piety and Prudence, directed by the Hand of God, hath contracted this Union *from theſe various diſcords.*

The Story of theſe times, will ſeem Paradoxes *in following Generations, when they ſhall hear of Peace, ſprung from the Root of Diſſention, of Union planted upon the ſtock of Diviſions, two Armies in the Field, both ready to ſtrike the firſt blow, but both United without a ſtroke.*

Nothing

An. 1641.

Nothing can reduce theſe Truths into a belief, but the knowledge of your Piety *and* Juſtice, *who hath accompliſhed theſe Acts of Wonder by Goodneſs and Gentleneſs, without Force and Violence.*

This way of Conqueſt, this (Bellum Incruentum) *hath been the Rule of the moſt Valiant and Puiſſant* Monarchs, *advancing your Glory, in Safeguard of one Subject, more than in the death of a thouſand Enemies.*

Thus have you erected a Monument of Glory to your Sacred Memory for all Generations.

And as your Care and Piety, for the Welfare of your Northern *Kingdom, called you to that Work, for the great Comfort of your people, which your Wiſdom hath ſo happily Conſummated, ſo now the diſtemper of your other Kingdom (fomented by the ſame Spirits whoſe preſence admits no Peace in* Iſrael) *calls on your Providence to heal the Diſeaſes of that Nation.*

The one, from whence you returned, hath with Abel *(though the Elder Brother) offered an acceptable Sacrifice, the other, with* Cain, *hath Erected Altars for Blood and Revenge, (the Old Immolations of* Levitical *Prieſthood) which Invokes the Neceſſity of your Juſtice.*

The one to a Natural, hath added a Politick Brotherhood.

The other of Brothers (I am ſorry to ſay it) are become ſtrangers.

The Fidelity of the one, hath written a ſtory of admiration to the World.

The Diſloyalty of the other, hath parallelled that horrid deſign (matchleſs before amongſt all Generations) firſt, in their Intentions, the deſtruction of a Kingdom, even when Unity and Peace was tying the knot of Religion and Safety.

In the diſcovery, a moment of time prevented the Execution

In the Actors (Jeſuites and Prieſts) without whom the Malice of the Devil could not have found a party in the World, fitted to Act over the like Bloody Tragedy.

But this, amongſt our many Joys we receive by your happy return, is not the leaſt; nay, 'tis the greateſt that that Providence, which protected that Gracious King, your moſt Religious Father, from that Bloody attempt, and increaſed the Bleſſing of ſo long and Bleſſed Reign, hath alſo defended your Sacred Throne from all their Machinations.

Thus we ſee Religion is the greateſt Policy, *the never-failing Support of King and Kingdom, that which firmes you and your Poſterity to your Throne, and our Duty and Obedience to it.*

Give me leave here, moſt Gracious Soveraign, to ſum up the ſenſe of Eleven Months Obſervation, without Intermiſſion (ſcarce) of a day; nay, an hour in that day, to the hazard of Life and Fortune, and to reduce all into this concluſion: The endeavours of your Commons aſſembled, guided by your Pious and Religious Example, is to preſerve Religion in its purity, without mixture or compoſition, againſt theſe ſubtile endeavours, and with our Lives and Fortunes, to Eſtabliſh theſe Thrones to your Sacred Perſon, and thoſe Beams of Majeſty, your Royal Progeny, againſt Treaſon and Rebellion.

The ways that conduce to this end, are the defence of the Land and Sea; for the one, we have already Voted to raiſe Moneys, *for the other, this Bill in ſome meaſure, will accompliſh, for a little time: And to that end, I, by the Command of the Commons, humbly beſeech your Royal Aſſent.*

His Majeſties Speech to both Houſes of Parliament, Decem. 2. 1641. taking notice that He finds the Parliament diſturbed with frights, fears, and Alarms of dangerous deſigns and Plots.

My Lords and Gentlemen,

I *Think it fit,* after ſo long abſence, *at this firſt occaſion, to ſpeak a few words unto you, but is no ways in Anſwer to Mr. Speakers Learned Speech: Albeit, I have ſtaid longer than I expected to have done when I went away, yet in this I have kept my promiſe with you, that I have made all the haſte back again,* that the ſettling of my *Scotch* Affairs could any ways permit; *in which I have had ſo good ſucceſs, that I will confidently affirm to you, that I have left that Nation a moſt peaceable and contented people, ſo that* although I have a little miſ-reckoned in time, *yet I was not deceived in my end.*

But if I have deceived your Expectations a little, in the time of my return, *I am aſſured, that my Expectation* is as much, and more deceived, in the condition wherein I hoped to have found buſineſs at my return; *for ſince that, before my going, I ſettled the Liberties of my Subjects, and gave the Laws a free and orderly courſe, I expected to have found my people reaping the Fruits of theſe Benefits, by living in quietneſs and ſatisfaction of Mind, but inſtead of this, I find them* diſturbed with jealouſies, frights, and alarms

of

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of dangerous Designs and Plots; *in consequence of which, Guards have been set to defend both Houses. I say not this, as in doubt that my Subjects Affections are any way lessened to me in this time of my absence, for I cannot but remember, to my great comfort, the* joyful reception I had now at my entry into LONDON, *but rather, as, I hope, that my presence will easily disperse these fears, for I bring as perfect and true Affections to my People as ever Prince did, or as good Subjects can possibly desire. And I am so far* from repenting me of any Act I have done in this Session, *for the good of my People, that I protest, if it were to do again I would do it, and will yet grant what else can be justly desired for satisfaction in point of Liberties, or in maintenance of the true Religion that is here Established.*

Now I have but one particular to recommend unto you at this time, it is Ireland, *for which, though I doubt not your Care, yet methinks the preparations* for it go but slowly on. *The occasion is the fitter for me now to mention, because of the arrival of* two Lords from *Scotland*, who come Instructed from my Councel *there (who now by Act of Parliament have full power for that purpose) to answer that demand, which it pleased both Houses to make me, by way of* Petition, that met me at Barwick, *and which the Duke of* Richmond *sent back, by my Command, to my* Scotch *Councel: Therefore my desire is, that both Houses would* appoint a select Committee *to end this business with these Noble-men. I must conclude in telling you, that I seek my peoples Happiness; for their flourishing is my greatest Glory, and their Affections my greatest Strength.*

A Petition was this day delivered to the House of Commons, in the Names of divers Collonels and Officers, in the late Army, in the *North*, for Relief, in many particulars complained of, and prayed for a speedy Answer, to prevent their attendance.

A Petition of divers Collon. and Officers in the late *Northern* Army, desiring a speedy Answer.

Whereas His Majesty declared the other day, that there were two *Scotch* Lords come up by his assent, to treat with both Houses of Parliament, concerning the present Assistance of *Ireland*, and to settle all the Conditions and State of that War, His Majesty thought fit there should be Commissioners appointed by himself and the House of Commons, to treat with the *Scots* Commissioners, and to be Authorized by the Kings Commission, and both Houses of Parliament.

Scots Commissioners, are come up to Treat about sending Forces to *Ireland.*

Upon this the Parliament prepared Instructions for their Commissioners to treat with the *Scots*, and to express the thanks of both Houses, for their readiness to assist this Kingdom against the Rebels in *Ireland*, and that the 5000 men they have raised may be forthwith Transported.

Daniel O Neal, Voted guilty of a second design to perswade the Army to take part against the Parliament.

The House again re-assumed the Debate of *Daniel O Neal*, where upon the Question this Vote followed, That it is proved that *Daniel O Neal*, did upon the second design, in or about *June* or *July* last, publish false Rumours in the *Army*, and did perswade the Chief Officers to take part with the King against the Parliament, to awe the Parliament, and to interrupt their proceedings.

The two Houses resolve never to consent to a Toleration of Popery in *Ireland.*

The House of Commons being Informed that the Rebels in *Ireland* had, by the Lord *Costelough*, presented the Lords Justices of that Kingdom with a scandalous Letter, in the Nature of a Remonstrance, full of pretended Grievances, and unreasonable Demands, as, to have free Exercise of *their Religion*, a *Repeal of all Laws to the contrary*, &c. And that the said Lord *Costelough*, together with the Lord *Taaff*, were on their way for *England*, with some Propositions to be offered to His Majesty, or Instructions, touching means for procuring the Peace of that Kingdom; it was thereupon, after a solemn Debate, resolved by the Lords and Commons, *That they would never give consent to any Toleration of the Popish Religion*

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ligion in Ireland, *or in any other His Majeſties Dominions.* And during this Debate, Sir *Benj. Rudyard* made the Speech following.

Sir *Ben. Rudyards* Speech againſt Tolleration, to be granted to the *Iriſh*, 8th, *Decemb.* 1641.

Mr. Speaker,

PEradventure I could have wiſhed, that Toleration of Religion *had not at this time come in Queſtion, but now it is brought on the Stage, I am brought to the Stake. When Religion is ſo nearly concerned, I love not to take any Civil or Politick reſpects into conſideration, Reaſon of State hath almoſt eaten up all the Laws and Religion of* Chriſtendom.

I have often heard it diſcourſed, whether we ſhould make Religion *an Argument of any of our undertakings abroad wherein the wiſer ſort have been very Nice and tender, believing, that the over number of Papiſts, would overwhelm us, yet I have been long of opinion, that Attempts and aſſiſtance have ſo often miſcarried, becauſe we have not boldly and publickly avowed our Religion. It may be, God thinks we are too many, who can conquer as well with few as with many. Shall the* Iriſh *now make their Religion the Cauſe of their Rebellion, and ſhall we be aſhamed or afraid to maintain our Religion, in reducing them to their Duty and Obedience; God will not honour them who do not honour him. Let us remember the Expoſtulation in the* Chronicles, why tranſgreſs ye the Commandments of God ſo that ye cannot proſper? *This is a great tranſgreſſion, to ſhrink from God in his truth.*

When we deny the Iriſh a Toleration, *we do not withdraw the eaſes and favours they have heretofore enjoyed, Greater, I am ſure then they would afford us, if we were in their power, wherefore Mr.* Speaker, *let us uphold our Religion and truſt God with the ſucceſs.*

A Watch put upon the Parliament without their conſent.

The Houſe of Commons, being informed a watch was ſet without their privity near the Parliament, ſent a Serjeant at Arms to require thoſe who Commanded the *Halberteers* and Watch, that was ſet upon the Houſe, to come to the Bar, whereupon the Bailiff of the Liberty of the Dutchy of *Lancaſter* was called in, and being demanded by what Authority he brought Armed Men about the Parliament, without their conſent, he ſaid the Sheriff received a writ to that purpoſe, and they received a Warrant from the Juſtices of the Peace.

The Houſe reſolved to diſcharge that Guard.

Whereupon it was reſolved in the Houſe of Commons that the ſetting of any Guards about the Commons Houſe of Parliament, without their conſent was a breach of the priviledge of the Houſe; and that therefore ſuch Guards ought to be diſcharged, and they further reſolved upon the Queſtion that this Guard ſhould be Immediately diſcharged by the Command of this Houſe.

By the KING.

A Proclamation for *Obedience to the Laws*, ordained for the Eſtabliſhing of the *true Religion* in this Kingdom of *England.*

The Kings Proclamation touching Religion and Common-Prayer. *Decemb.* 10*th*, 1641.

HIS Majeſty conſidering it is a Duty moſt beſeeming, and that moſt obligeth Sovereign Authority in a Chriſtian King to be careful (*above all other things*) of preſerving and advancing the honour and ſervice of Almighty God, and the Peace and Tranquillity of the Church, to which end *his Majeſty with his Parliament hath it under Conſideration, how all juſt ſcruples may be removed,* and being in the mean time *ſenſible that the preſent diviſion, ſeparation and diſorder about the worſhip and ſervice of God, as* it is Eſtabliſhed by the Laws and Statutes of this Kingdom in the Church of England; *tendeth to great diſtraction and confuſion, and may endaanger the ſubverſion of the very eſſence and ſubſtance of true Religion;* Hath reſolved for the preſervation of *Unity and Peace* (which is moſt neceſſary at this time for the Church of England *require Obedience to the Laws and Statutes ordained for the Eſtabliſhing of the true Religion in this Kingdom,* whereby the honour of God may be advanced to the great comfort and happineſs both of his Majeſty and his good Subjects.

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His Majeſty doth therefore Charge and Command, *That Divine Service be performed in this his Kingdom of England*, and Dominon of *Wales*, as is appointed by the Laws, and Statutes Eſtabliſhed in this Realm; and *that Obedience be given by* all his Subjects, Eccleſiaſtical and Temporal, *to the ſaid Laws and Statutes* concerning the ſame. And that all Judges, Officers, and Miniſters Eccleſiaſtical and Temporal, according to Juſtice; and their reſpective Duties *do put the ſaid Acts of Parliament in due Execution*, againſt all willful Contemners and Diſturbers of Divine Service, contrary to the ſaid Laws and Statutes.

His Majeſty doth further command that no Parſons, Vicars or Curates in their ſeveral Pariſhes ſhall preſume to introduce any Rite, or Ceremonies, other then thoſe which are Eſtabliſhed by the Laws and Statutes of the Land.

Dated the 10th, *of* Decemb. *in the ſeventeenth Year of his Majeſtie's Reign.*

Proclamation for Members of Parliament to attend.

A Proclamation Iſſued for the attendance of the Members in both Houſes of Parliament, requiring all Members to repair to the Parliament at or before the 12*th*, of *January* next, and give their due and diligent Attendance: To the end that this Kingdom may fully enjoy the benefit and happineſs which his Majeſty intendeth unto them; by Summoning and Continuing of this Parliament.

His Majeſties Speech to both Houſes 14*th*. Decemb. 1641.

His Majeſties Speech to both Houſes. 14*th*. Decemb. 1641.

My Lords and Gentlemen.

THE *laſt time I was in this place, and the laſt thing that I Recommended unto you was the buſineſs of* Ireland, *whereby I was in good hope that I ſhould not have needed again to have put you in mind of that buſineſs. But ſtill ſeeing the ſlow Proceedings therein, and the daily diſpatches that I have out of* Ireland, *of the lamentable Eſtate of my Proteſtant Subjects there; I cannot but again earneſtly recommend the diſpatch of that Expedition unto you, for it is the chief buſineſs that at this time I take to heart, and there cannot (almoſt) be any buſineſs that I can have more care of. I might now take ſome up of your time in expreſſing my deteſtation of* Rebellions *in general, and of this in particular. But knowing that* Deeds *and not Declarations muſt ſuppreſs this great Inſolency; I do here in a word offer you whatſoever my Power, Pains, or Induſtery can contribute to this good and neceſſary work of Reducing the* Iriſh *Nation, to their true and wonted Obedience.*

And that nothing may be omitted on my part, I muſt here take notice of the Bill for preſſing of Soldiers *now depending among you,* my Lords, *concerning which I here declare, That in caſe it come ſo to me, as it may not Infringe or diminiſh* my Prerogative, *I will paſs it. And further ſeeing there is a diſpute raiſed (I being little beholden to him whoſoever at this time began it) concerning the bounds of this antient and undoubted Prerogative, to avoid further debate at this time, I offer, that the Bill may paſs with a* Salvo Jure, *both for King and People, leaving ſuch debates to a time that may better bear it. If this be not accepted, the fault is not mine, that this Bill paſs not, but theirs that refuſe ſo fair an offer.*

To Conclude I Conjure you by all that is, or can be dear to you or me, That laying away all diſputes, you go on chearfully and ſpeedily for the Reducing of Ireland.

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To the Kings moſt Excellent Majeſty.

The humble Petition of the Lords and Commons in Parliament, concerning His Majeſties Speech, of the 14th. of Decemb. 1641.

The humble Petition of the Lords & Commons in Parliament, concerning His Majeſties Speech, of the 14th. of December, 1641. to Vindicate their Priviledges.

Moſt Gracious Sovereign,

YOUR *Majeſties moſt humble and Loyal Subjects the Lords and Commons in Parliament, do with all faithfulneſs and zeal to your Majeſties Service, acknowledge your Royal favours and Protection to be a great bleſſing, and ſecurity to them, for the enjoying and preſerving of all thoſe publick and private liberties, and priviledges which belong unto them; and whenſoever any of thoſe liberties or priviledges ſhall be invaded or broken; they hold themſelves bound with humility and confidence to reſort to your Princely* Juſtice for redreſs *and ſatisfaction. And becauſe the Rights and Priviledges of Parliament are Birth right, and Inheritance not only of themſelves, but of the whole Kingdom; wherein every one of your Subjects is interreſted. The maintenance and preſervation whereof doth very highly conduce to the publick peace, and proſperity of your Majeſty and all your People; they conceive themſelves more eſpecially obliged with all humbleneſs and care, yea, with all earneſtneſs and conſtancy of reſolution, and endeavour to maintain and defend the ſame: Amongſt other the Priviledges of Parliament; they do with all dutiful reverence to your moſt Excellent Majeſty declare! that is, their Ancient and undoubted Right;* That your Majeſty ought not to take notice *of any matter in agitation and debate in either Houſes of Parliament, but by their Information and Agreement, and that your Majeſty ought not to propound any Condition, Proviſion, or limitation to any Bill or Act in debate, or preparation in either Houſes of Parliament; or to manifeſt or declare your conſent, or diſcent, approbation or diſlike of the ſame, before it be preſented to your Majeſty in due courſe of Parliament, and that every particular Member of either Houſe hath free liberty of ſpeech to propound or debate any matter according to the order and courſe of Parliament: And that your Majeſty ought not to conceive diſpleaſure againſt any man for ſuch opinions and propoſitions as ſhall be delivered in ſuch Debate, it belonging to the ſeveral Houſes of Parliament, reſpectively to judge and determine ſuch Errours, and offences in words or actions, as ſhall be committed by any their Members, in the handling or debating any matters depending.*

They do further declare that all the Priviledges abovementioned have been lately broken, to the great ſorrow and grievance of your moſt humble and faithful Subjects in that Speech which your Majeſty made *in Parliament, to both Houſes, upon* Tueſday *laſt, the fourteenth of this preſent month of* December, *in that your Majeſty did therein take notice of a Bill for Impreſſing of Souldiers, being in agitation in the ſaid Houſes, and not agreed upon; and that your Majeſty did therein offer* a Salvo Jure, *or proviſional Clauſe to be added to that Bill, before it was preſented to your Majeſty, by the conſent of both Houſes; and did at the ſame time declare your diſpleaſure againſt ſuch perſons, as had moved ſome doubt or queſtion concerning the ſame Bill. All which they do affirm and declare to be againſt the Ancient, Lawful and undoubted Priviledges, and Liberties of Parliament.*

And therefore they moſt humbly beſeech your Majeſty by your Royal power and Authority, to maintain and protect them in theſe and all other the Priviledges of your High Court of Parliament, that you will not for the time to come, breake or interrupt the the ſame. And that none of your Loyal Subjects may ſuffer or ſuſtain any prejudice in your Majeſties favour or good opinion for any thing done or ſpoken in Parliament. And for the Reparation of your Loyal Subjects in this their juſt grievancee and complaint, for the breaches of their priviledges abovementioned, and prevention of the like for the time to to come. That your Majeſty will be pleaſed to declare, and make known the name or names of the Perſon or Perſons, by whoſe mis-formation and evil Counſel, your Majeſty was induced to the ſame, that ſo he or they may receive ſuch condigne puniſhment as ſhall appertain to Juſtice in that behalf. And this they moſt humbly deſire, and as your greateſt and moſt faithful Counſel ſhall Adviſe your Majeſty to perform, as that which will be not only a comfort to themſelves, but likewiſe a great Advantage to your Majeſty by procuring and confirming ſuch a Confidence and Unity betwixt your Majeſty and your People, as may be a foundation of Honour, ſafety and happineſs to your Perſon, and Throne, as they ſtand bound always to pray for and endeavour.

17 *Carrlil.* Dec. *the* 20th. *Report of Sir* William Balfore's *removal from the Lieutenancy of the* Tower.

A Report being made to the Houſe of Commons, That His Majeſty intended to remove Sir *William Balfore* Lieutenant of the Tower from his place, They ordered that the ſaid Sir *William* ſhould have notice to attend the next day; who appearing accordingly, was examined about his ſaid removal, and the Cauſes thereof; after which the Houſe fell into Debate thereupon, and touching their petitioning His Majeſty for the ſaid Sir *William*'s continuance in the ſaid Charge; but on the day following (*Decemb.* the 23*d.*) Sir *William* reſigned the Keys of the *Tower* to His Majeſty, and Colonel *Lunsford* was appointed to be Lieutenant thereof, who on the 24*th* of *Decemb.* was Sworn and put into poſſeſſion of that Place by the Lord Privy-Seal and the Earl of *Dorſet*, by Order from His Majeſty.

Colonel Lunsford *made Lieutenant.*

In the mean time, on the 23*d.* The following Petition was preſented to the Commons.

To the Honourable the Knights, Citizens and Burgeſſes of the Commons Houſe of Parlament.

Citizens Petition againſt Colonel *Lunsford.*

The humble Petition of divers Common-Council Men, and others of the City of *London.*

Sheweth,

THAT *whereas the* Tower *of* London *was Originally ordained for Defence of this City, and to be the chief Magazine of the Kingdom, and that the whole State is deeply Intereſſed in the ſafe Cuſtody thereof, but more eſpecially the ſaid City, which lately hath been put into fears of ſome dangerous Deſign from that Cittadel, whereupon it pleaſed this High Court to mediate with His Majeſty, for removing thoſe Fears; and whereas the Petitioners are informed, That Sir* William Balfore *a Perſon of Honour and Truſt, is diſplaced from the Office of Lieutenant, and the ſame Place beſtowed upon Colonel* Lunsford *a Man Outlawed, and moſt notorious for Outrages, and therefore fit for any dangerous Attempt: The Petitioners and many more who have intelligence thereof, are thereby put into ſuch an height of Fear and Jealouſie, as makes them reſtleſs till they have diſcharged their duty in repreſenting the ſame to this Honourable Houſe.*

May it therefore pleaſe this Honourable Aſſembly, to take the Premiſſes into ſuch conſideration, as may ſecure both the City and Kingdom againſt the Miſcheifs which may happen, as to your great Wiſdom ſhall be found moſt fitting.

And your Petitioners ſhall ever pray, &c.

Randal Manwaring, Maximilian Beard, Edward Gitting, John Pocock, Samuel Warner, George Thompſon, Stephen Eſtwich, Richard Price, Richard Turner.

The Commons Reaſons at a Conference againſt Colonel Lunsford.

After ſome Debate of the Matter of this Petition, the Commons deſired a Conference with the Lords, at which they communicated the ſaid Petition; and added, That it was the Opinion of the Houſe of Commons, that Colonel *Lunsford* was an unfit Perſon for ſo great a Truſt, as the Lieutenancy of the Tower; for which they offered their Lordſhips theſe Reaſons,

1. Becauſe the ſaid Colonel *Lunsford* is a Man of a decayed and deſperate Fortune, and ſo may be tempted to undertake any ill Deſign, and they conceive it will be very prejudicial to the King and Kingdom for him, to be in that place in this time of Fears and Jealouſies; eſpecially to the *Mint* in this time of great occaſions to uſe Monies, for it will diſcourage Merchants and Strangers from bringing in their Bullion into the *Mint.*

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2. That the ſaid Colonel *Lunsford* is a Man of a deſperate Condition, he having been formerly cenſured in the *Star Chamber*, for lying in wait and beſetting Sir *Thomas Pelham* Knt. as he came in his Coach upon a *Sunday* from Church, and did diſcharge two Piſtols into the Coach; alſo being challenged into the Field by one Captain *Buller*, upon ſome injury offered to him, by the ſaid Colonel *Lunsford*; Colonel *Lunsford* refuſed to Anſwer him, but ſent him word he would cut his Throat, and would meet him with a Piſtol; and put out his other Eye.

3. That they are informed That Colonel *Lunsford* is not right in Principles as to Religion, for they underſtand, that when he was a Commander in the *North*, in the King's Army, he did not go to Church tho' he was deſired.

For which Reaſons the Houſe of Commons conceiving this Affair concerns the Safety of the King, City, and Kingdom, do deſire their Lordſhips Concurrence in a Remonſtrance of theſe things to His Majeſty, and to deſire him that a Place of ſuch Importance may not be put into the hands of ſuch a Man as Colonel *Lunsford*; but if His Majeſty think cauſe that there ſhould be a Lieutenant of the *Tower*, the ſame being already under the command of ſuch an Honourable Perſon as the Earl of *Newport*, who is Conſtable thereof by His Majeſty's appointment, then that Sir *John Coniers* may be recommended to His Majeſty for that place.

Sir John Coniers *to be recommended to Hrs Majeſty for Lieutenant.*

The Lords taking this Affair into Debate, did the next day, being *Friday Decemb.* the 24*th* return Anſwer, That they have not thought fit to joyn with the Commons in the Remonſtrance or Addreſs deſired, touching removing Colonel *Lunsford*; their Lordſhips conceiving the ſame would be an Intrenchment on His Majeſty's Prerogative.

The Lords refuſe to joyn in an Addreſs for removing Lunsford.

Whereupon the Houſe of Commons paſſed the following Vote, *Reſolved upon a Queſtion* Nemine Contradicente, *That this Houſe holds Colonel* Lunsford *unfit to be, or continue Lieutenant of the* Tower, *as being a Perſon whom the Commons of* England *cannot confide in.*

Commons Vote againſt *Lunsford.*

And alſo ſent to the Lords to deſire a ſecond Conference on that Subject; and Mr. *Hollis*, Mr. *Pym*, Mr. *Strode*, Sir *Edmond Montfort*, Mr. *Glyn*, Sir *Philip Stapleton*, Mr. *Martin*, and Sir *John Hotham* were appointed to draw up Heads for that Conference.

Second Conference about Lunsford.

At which they further importuned their Lordſhips, that both Houſes might joyn in an humble Petition for removing Colonel *Lunsford*; further alleadging, that they already find ill Conſequences by his being Lieutenant, for Merchants have already withdrawn their Bullion out of the *Mint*: And Strangers who have Ships lately come in with great ſtore of Bullion, do forbear to bring it into the *Mint*, becauſe he is Lieutenant of the *Tower*, and by this means, Money will be ſcarce to come by, which will be prejudicial and obſtructive to the preſſing Affairs of *Ireland*. And the Commons having taken their Lordſhips refuſal to joyn with them in ſuch a Petition into conſideration, have made a Declaration for themſelves, and deſire that the ſame may be entered into the Journal of the Houſe of Peers, as 'tis entred in their own Journal.

The Commons Declaration and proceed upon the Lords refuſal to joyn with them for Petitioning for *Lunsford's* removal, Dec. 24.

WE the Knights, Citizens and Burgeſſes of the Commons Houſe of Parliament being very ſenſible of the great and imminent Danger of the Kingdom, through the Deſign of the Papiſts and other Perſons diſaffected to the publick Peace, and finding by frequent Symptoms that the ſame groweth every hour to Maturity; among ſt which we reckon this not inconſiderable one, that the Tower, being a Place of ſuch Importance to the Safety of the City and of the whole Kingdom, ſhould be put into the Hands of a Man ſo unworthy and of ſo dangerous a Diſpoſition, as by diverſe Teſtimonies, Colonel Lunsford is aſſumed to be; which cauſed us Yeſterday upon the Petition of the Citizens of London

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to desire your Lordships to joyn with us in an humble Suit to His Majesty, That a Place of that great Consequence might not be disposed in such a manner, as to hazard the Safety, Peace and Content of the City, and of the whole Kingdom; and perceiving that your Lordships have refused to joyn with us in so important and necessary a Request; do hereby declare before God and the whole Kingdom, That from the beginning of this Parliament, we have done our uttermost, to preserve the State from Ruin; and having by God's Blessing prevailed so far, That the Design of the Irish *Army of Papists, the other Designs of bringing up the* English *Army several times attempted, a former Plot of possessing the* Tower, *without which those Treasons could not be so mischeivous to the State, were all prevented, although strongly bent to the destruction of Religion, the Parliament and the Common-wealth, do now find our selves incountred with as great difficulty as ever; The Papists Rebellion in* Ireland, *giving such encouragement to the malignant Party here; and they likewise receiving such advantage by the delays and interruptions which we have received in the House of Peers, as we conceive by the great number of Bishops and Papists notoriously disaffected to the common Good; And do therefore hold our selves bound in Conscience to declare and protest, That we are innocent of the Blood which is like to be spilt, and of the Confusions which may overwhelm this State, if this Person be continued in his Charge; and do intend to resort to His Majesty with an humble Petition, That he will be pleased to afford us his Royal Protection, that the Kingdom and our selves may be preserved from this wicked and dangerous Design, and that he will grant such Commissions and Instructions as may inable us to defend his Royal Person, and his Loyal Subjects from the Cruelty and Rage of the Papists, who have long plotted and endeavoured to bring in a bloody Change of Religion to the apparent Ruin of the whole Kingdom; and if any of your Lordships have the same Apprehensions that we have, we hope they will likewise take some Course to make the same known to His Majesty, and will further do what appertains to Persons of Honour and Fidelity for the common Good.*

This Paper being read in the Lords House, it was moved to Adjourn the Debate of it till *Monday*, others were for debating it presently, and it being carried for an Adjournment, the Lords following, entred their Protest against that Vote in manner following,

The Lords Protestation,

IN respect the Conference brought up, and reported from the House of Commons, doth as it is thereby declared concerning the instant Good and Safety of the King and Kingdom, I do protest against the deferring of the Debate thereof until Monday, *to the end to discharge my self of any ill consequence that may happen.*

Lord Admiral,

Similiter,	*L.* Chamberlain,	*Sim.*	*E.* Stamford,
Sim.	*E.* Pembrock,	*Sim.*	*L.* Wharton,
Sim.	*E.* Bedford,	*Sim.*	*L.* Saint Johns,
Sim.	*E.* Warwick,	*Sim.*	*L.* Spencer,
Sim.	*E.* Bullingbrook,	*Sim.*	*L.* North,
Sim.	*E.* Newport,	*Sim.*	*L.* Kimbolton,
Sim.	*Vis.* Say & Seale,	*Sim.*	*L.* Brook,
Sim.	*E.* Suffolk,	*Sim.*	*L.* Gray de Wark.
Sim.	*E.* Carlile,	*Sim.*	*L.* Roberts,
Sim.	*E.* Holland,	*Sim.*	*L.* Howard *de Escreak.*
Sim.	*E.* Clare,		

Lord Newport *Constable of the* Tower *desired to take care thereof.*

The same Evening the Commons ordered, That Sir *Thomas Barrington*, and Mr. *Martin* do this night repair unto the Earl of *Newport* Constable of the *Tower*, and desire him from this House, to lodge and reside within the *Tower*, and take the Custody and Guard of that place; and then by reason of the Celebration of the Feast of *Christmas*, the next day both

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both Houſes Adjourned till *Monday*, the Lords to One a Clock in the After-the Commons till Ten in the Morning.

Sunday Dec. *the* 26th *Colonel* Lunsford *removed.*

On *Sunday Decemb.* the *26th.* the Lord Mayor waited upon His Majeſty at *Whitehall*, to acquaint him with the Rumour of the Apprentices riſing; if the Lieutenant of the *Tower*, Colonel *Lunsford* were not removed, and that they would attempt the *Tower* to put him out, whereupon the Council immediately Aſſembled to conſult means for preventing ſuch Miſcheifs, and for drawing up a Proclamation againſt Tumults. And the ſame Evening His Majeſty took the Keys from Colonel *Lunsford.*

But on the *Thurſday* before a Petition directed to the King and both Houſes of Parliament, in the Name of the Apprentices, and others whoſe times are lately expired in and about the City of *London*, was by a number of young Men preſented to and read in the Houſe of Commons, to this purport,

Apprentices Petition.

WHereas we, though the loweſt Members of the City and Kingdom, touched with the common Senſe of all good Subjects, do by experience find both by our own and our Maſters Tradings, the beginning of great Miſcheif coming upon us, to nip us in the Bud, when we are firſt entring into the World; the Cauſe of which we can attribute to no others, but to the Papiſts and Prelates, and that malignant Party which adheres unto them: And whereas by the late Proteſtation we ſtand ſolemnly engaged in the preſence of Almighty God, by all lawful means with the utmoſt of our Lives, Power, and Eſtates to defend your Sacred Majeſty and Royal Iſſue, with the Rights and Liberties of Parliaments, and all your Majeſty's Subjects, againſt Papiſts and Popiſh Innovators, ſuch as Archbiſhops, Biſhops, and their dependents appear to be, the extirpation of which Government Root and Branch, by ſeveral Petitions from this City, and many parts of this Kingdom, have been humbly deſired; We hold it our bounden duty after long expectation of due and juſt Proceedings againſt the forenamed Papiſts and Popiſh Innovators, now at the laſt to become moſt humble Suitors to your Majeſty in this preſent Parliament, That you would pleaſe to take notice, That notwithſtanding the much unwearied Pains and Induſtry of the Houſe of Commons to ſubdue Papiſtry and Popiſh Innovators, neither Popery is ſubdued nor Prelates are yet removed, whereby many have taken great encouragement, deſperately to Plot againſt the Peace and Safety of this and other your Majeſty's Dominions; witneſs the moſt barbarous and inhumane Cruelties perpetrated by the Papiſts now in Ireland; *from whence ariſeth in us a new Spring of Fears and Jealouſies, what the Iſſue of theſe things may be, in this your Kingdom of* England *alſo, without a ſpeedy and timely prevention of the ſame.*

In hope therefore of your Majeſty's willing readineſs by the Advice of this Honourable Court of Parliament, to provide for our preſent Relief and Safety, we humbly ſupplicate, That the Popiſh Lords and other eminent and dangerous Papiſts in all parts of this Kingdom, may be narrowly lookt unto and ſecured, the Laws againſt Prieſts and Jeſuits fully executed; the Prelacy rooted out, that ſo the Reformation may be proſperouſly carried on, our diſtracting fears removed the weighty Affairs of the Kingdom ſettled, and conſequently God may delight in the preſent and ſucceeding Ages to dwell in this Land, the freedom of Commerce and Trade may paſs once more chearfully for the encouragement of your Petitioners; and that the flouriſhing and peaceable Reign of your Majeſty may be long continued and encreaſed amongſt us.

For all which your Petitioners ſhall earneſtly pray, *&c.*

Monday Dec. the 27*th*, from the journal of the Lords.

Information was given to the Houſe of Lords, that ſome Members of their Houſe have had falſe Rumors reported of them, which was, that during

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during the time of the King's being laſt in *Scotland*, it was told the Queen, that at a Meeting at *Kenſington* (where the Earl of *Eſſex*, the Earl of *Newport*, the Lord Viſcount *Say* & *Seal*, the Lord *Mandeville*, the Lord *Wharton* Members of the Houſe of Lords, and the Lord *Dungarvan*, Mr. *Nathaniel Fiennes*, Sir *John Clotworthy*, and Mr. *John Pym* Members of the Houſe of Commons, were preſent) upon Diſcourſe of ſome Plots that ſhould be done in this Kingdom or in *Scotland*, the Earl of *Newport* ſhould ſay, If there be ſuch a Plot, *yet there are his Wife and Children*, meaning that the Perſon of the Queen and her Children ſhould be ſeized upon: Upon this, the Earl of *Newport* ſtood up and gave the Houſe of Lords this Account: That hearing of ſuch an Information which had been preſented to the Queen, he went with ſome other Lords, and waited on the Queen, and with many Proteſtations aſſured the Queen that never any ſuch words were ſpoken, nor the leaſt thought conceived of any ſuch Fact, with which the Queen ſeem'd to reſt ſatisfied, but that upon *Friday* laſt, His Majeſty asked his Lordſhip, whether he heard any Debate at *Kenſington*, *about ſeizing upon the Queen and her Children*, which his Lordſhip denied, His Majeſty reply'd again, *That he was ſorry for his Lordſhips Memory.*

This Information being ended, the Houſe of Lords conſidering it to be a Matter of great Conſequence, and becauſe ſome Members of the Houſe of Commons are concerned therein; it was thought fit to have a Conference, that they would joyn with their Lordſhips in making narrow ſearch into this buſineſs, that ſo the bottom of it mght be found out, and the Reporter of this falſe Rumour brought to condign puniſhment; whereupon a Meſſage was ſent to the Houſe of Commons touching ſome ſcandalous Reports concerning ſome Members of both Houſes. Theſe Lords following, were appointed to draw up the Heads of the Conference, *viz.* Archbiſhop of *York*, Lord *Admiral*, Earl *Briſtoll*, Earl *Holland*, Lord *Roberts*, Lord *Savill.*

Lord Newport *diſcharged from being Conſtable of the* Tower.

When the Houſe of Commons met on *Monday Decemb.* the 27*th*, Sir *Thomas Barrington* reported, That according to the Command of the Houſe, not being able to meet with the Conſtable of the *Tower*, he wrote a Letter unto him; That there upon yeſterday the Earl of *Newport* came to him, and told him, That His Majeſty had been pleaſed to diſcharge him of the Conſtableſhip of the *Tower*.

Tumults at Weſtminſter.

It not being yet known that the King had removed *Lunsford*, the Citizens that Petitioned againſt him, attended at *Weſtminſter*, as alſo did the Appentiees for an Anſwer to their before recited Petition, ſo that there was a great and unuſual Concourſe of People at and about *Weſtminſter* many of them crying out, *No Biſhops! No Biſhops!* And the Biſhop of *Lincoln* coming along with the Earl of *Dover* towards the Houſe of Peers, obſerving a Youth to cry out againſt the Biſhops, the reſt of the Citizens being ſilent, ſtept from the Earl of *Dover*, and laid hands on him; whereupon the Citizens with-held the Youth from him, and about one hundred of them, coming about his Lordſhip *hem'd him in*, that he could not ſtir; and then all of them with a loud Voice cry'd out, *No Biſhops!* and ſo let his Lordſhip the Biſhop go; but there being three or four Gentlemen walking near, one of them named *David Hide* a Reformado in the late Army againſt the *Scots*, and now appointed to go in ſome command into *Ireland*, began to buſle and ſaid he would cut the Throat of thoſe *Round-headed Dogs that bawled againſt Biſhops* (which paſſionate Expreſſions of his, as far as I could ever learn, was the firſt miniting of that Term or Compellation of *Round-heads*, which afterwards grew ſo general) and ſaying ſo, drew his Sword, and deſired the other Gentle-

David Hide *falls foul on the Citizens.*

An. 1641. Gentlemen to ſecond him; but they refuſing, he was apprehended by the Citizens, and brought before the Houſe of Commons and committed, and afterwards caſhierd from all Imployment into *Ireland*; likewiſe the ſame day Colonel *Lunsford* coming through *Weſtminſter-Hall* with thirty or forty Gentlemen, his Friends with him, and meeting with Citizens and Apprentices, the Colonel drew his Sword, and a Fray began, and ſome hurt was done; which being noiſed in the City many hundreds of Apprentices and others came down to *Weſtminſter* with Swords, Staves and other Weapons, which cauſed a great uproar both in *London* and *Weſtminſter*; And the Lord Mayor and Sheriffs rod about all that night to appeaſe the Tumults, the City Gates being all ſhut up, and ſtrong Watch in every place ſet, as well Men in Arms as otherwiſe, and the Trained-Bands raiſed the next Morning for the Safety of the City; and the King commanded ſome of the Trained-Bands of *Weſtminſter* and *Middleſex* to be raiſed by turns to Guard his Royal Perſon, and his Conſort and Children at *White-hall*, where thenceforwards a Company or two continued their attendance day and night by His Majeſty's Order.

Lunsford *draws his Sword in* Weſtminſter-hall.

This great concourſe of People flocking about the Houſes of Parliament, the Lords ordered the Gentleman Uſher to go and command them in the King's Name to depart to their reſpective Habitations, who returned with this Account, *That the People ſaid they were willing to be gone, but durſt not, becauſe there is Colonel* Lunsford *with other Swordmen in* Weſtminſter-hall *that lye in wait for them with their Swords drawn, and that ſome of them who were going home through* Weſtminſter-hall, *have been ſlaſht and wounded by the ſaid Soldiers*; Whereupon their Lordſhips appointed a Committee to examine what Warrant had been given to Soldiers to come down this day unto the Parliament Houſe, and likewiſe what notice had been given to any others to come down to *Weſtminſter* in multitudes, and who gave the occaſion that Swords were drawn and blows given in *Weſtminſter hall* and near thereabouts amongſt the People, and to inquire why the Juſtices of Peace, and others His Majeſty's Officers did not prevent the Tumults this day, according to Law and the Commands formerly given them.

Dec. *the* 28th. *A Petition concerning a Scandal caſt upon Members of both Houſes of Parliament, touching words at* Kenſington.

Upon *Tueſday* the 28*th* of *Decemb.* Mr. *Glyn* preſented from the Committee appointed to meet with the Committee of Lords, for the drawing of a Petition to be preſented to his Majeſty, *concerning the ſcandals caſt* upon the *Members of both Houſes*; and a Petition *in hæc verba* was agreed unto.

To the King's moſt Excellent Majeſty.

The humble Petition of the Lords and Commons in this preſent Parliament Aſſembled.

WHereas, during the time of your Majeſty's laſt being in Scotland, *the Queen's Majeſty received Information*; that at a Meeting at Kenſington, *where* the Earl of Newport, *the Lord Viſcount* Say *&* Seal, *the Lord* Mandeville, *Lord* Wharton *Members of the Lords Houſe, the Lord* Dungannon, *Mr.* Nathaniel Fienns, *Sir* John Clotworthy, *and Mr.* John Pym *Members of the Houſe of Commons were all preſent, when a Diſcourſe was had of ſome Plots that ſhould be done in this Kingdom, or in* Scotland, *that the Earl of* Newport *ſhould ſay; if there be ſuch a Plot, yet here are his Wife and Children; inſinuating by the ſame to ſignifie, that the Perſon of Her Majeſty and Children ſhould be ſeized upon.*

And whereas your Majeſty upon Friday *laſt, was pleaſed to demand of the Earl of* Newport, *whether his Lordſhip heard any Debate at* Kenſington, *about ſeizing upon the Queen and her Children; which when his Lordſhip had denied with many deep Aſſeverations, your Majeſty replied again, that he was to tell him nothing more then he knew already, and therefore ſhould conſider well what he ſhould Anſwer; his Lordſhip denying it a ſecond time; His Majeſty parting from him, replied, he was ſorry for his ill Memory, ſeeming thereby to give Credit to that Information.*

Which

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Which Information and Report tending not only to the great Scandal of the Members of both Houſes of Parliament, but expreſſing an endeavour to ſtir up Jealouſies, and work a Diviſion between your Majeſty and your Parliament, it is therefore the humble and conſtant Deſire of the Lords and Commons in this Parliament, that your Majeſty will be pleaſed to declare who is the Reporter, or Reporters of thoſe words, pretended to be ſpoken at Kenſington *by the Earl of* Newport, *and that your Majeſty will be likewiſe pleaſed to move her Majeſty, to diſcover who acquainted her therewith; and this as your Greateſt and moſt Faithful Council, they adviſe your Majeſty to perform.*

The Exigency of the Affairs of both Kingdoms being ſuch as neceſſarily require a ſudden Remedy, which cannot expect any poſſibility of Succeſs, without a right underſtanding between your Majeſty and the Parliament, the only way of effecting whereof, is the preſent diſcovery and removal of Evil Council, and falſe Informers which to our great Grief we have by Experience, found to be too frequent and active in theſe dangerous Times.

This Petition was put to the Queſtion, and upon the Queſtion aſſented unto by the Houſe of Peers; and ordered, That the Lord *Admiral*, Earl of *Bath*, and Earl of *Holland* wait on His Majeſty to know his pleaſure, when the Committees of both Houſes ſhould attend him therewith, who appointed next day at one a Clock in the Afternoon, at *White-hall*; which being preſented accordingly; the Earl of *Bath*, *Decemb.* the 30*th*, reported His Majeſty's Anſwer thereunto as followeth,

My Lords and Gentlemen,

The King's Anſwer.

IT is true, That I have heard Rumors of ſome propoſition that ſhould have been made at Kenſington *for the ſeizing of the Perſons of my Wife and Children; and in things of ſo high a Nature, it may be fit for any Prince to inquire, even where he hath no belief nor perſwaſion of the thing; ſo I have asked* Newport *ſome Queſtions concerning that Buſineſs, but far from that way of expreſſing a belief of the thing; which* Newport *hath had the boldneſs and confidence to affirm; which I could eaſily make appear, but that I think it beneath me, to conteſt with any particular Perſon. But let this ſuffice, That I aſſure you, I neither did nor do give Credit to any ſuch Rumour. As fortelling the Name of him who informed me, I do ſtick to the Anſwer which I gave to your laſt Petition upon the like particular.*

A Meſſage from the Lords, deſiring an Anſwer of the laſt Conference, concerning the Multitudes aſſembled near both Houſes, and the Tumults amongſt them.

Mr. *Hollis* is appointed to go to the Lords to acquaint them, That this Houſe will agree to all good and lawful ways and means for preventing of Tumults and Routs, that ſhall not be againſt the ſafety and priviledge of Parliament; but for printing a particular Declaration, the ſame is a Matter that will require ſome time to be conſidered of. Numbers of Citizens and Apprentices reſorting again this day to *Weſtminſter*, ſome of them being detained in the Abby, and examined before the Archbiſhop of *York*, the reſt flockt thither, and would have forced their entrance to ſet their fellow Apprentices at liberty, and threatning to pull down the Organs, but the Doors being lockt they were kept out, and ſome Perſons from the Abby-Leads endeavoured to beat them off with Stones, whereby ſeveral of the Citizens were hurt, and amongſt the reſt Sir *Richard Wiſeman*, who 'twas ſaid died ſoon after of the hurt he then received.

That Evening was publiſh'd the following Proclamation.

An. 1641.

By the KING.

His Majeſty's Proclamation againſt Tumults Dec. 28.

HIS Majeſty taking into His Princely conſideration, the manifold Inconveniences and Miſchiefs that may ariſe and happen by the Riotous and Tumultuous Aſſemblies in and about the Cities of London *and* Weſtminſter, *not only to the violation of His Majeſty's Peace, and ſcandal of Government, but to the diſturbance of his Houſes of Parliament now Aſſembled; doth ſtrictly Charge and Command all the Inhabitants of His Cities of* London *and* Weſtminſter, *and the Liberties thereof, and alſo of the Suburbs and Confines to the ſaid Cities and Places adjoyning, That upon no occaſion they aſſemble themſelves in any Tumultuous or Riotous manner, in any part or place in or near the ſaid Cities or Liberties; and that all Perſons now aſſembled in any numbers without His Majeſty's Authority, do forthwith upon publiſhing this His Majeſty's Proclamation, diſſolve their Aſſemblies and Companies, and repair to their Dwellings or places of Abode, upon their Perils of being proceeded againſt as Violaters of the publick Peace of this His Majeſty's Kingdom, and of being puniſhed according to the ſeverity of the Laws and Statutes of the ſame.*

Given at Our Court at *White-hall* this 28*th* day of *Decemb.* in the 17*th* Year of Our Reign.

Wedneſday Dec. *the* 29th. *Obſtructions of the relief of* Ireland.

This day the Houſe of Commons falling into Debate concerning the Affairs of *Ireland*, amongſt other obſtructions of relief to that Kingdom that were aſſigned, one was the want of a Proclamation under the Great-Seal of *England*, declaring the *Iriſh* Papiſts in Arms and their Adherents to be Rebels aud Traitors; and this was alleadged to be the more neceſſary, becauſe the ſaid *Iriſh* had given out as if they had ſome Authority for what they did; and therefore Mr. *Hollis*, Mr. *Pym*, Mr. *Strode*, Sir *Edmond Mountfort*, Mr. *Glyn*, Sir *Philip Stapleton*, Mr. *Martin*, Sir *John Hotham* and Sir *John Culpepper* were appointed to draw up a Declaration upon the Heads then debated concerning the Obſtructions of the Relief of *Ireland* and the Cauſes thereof, and to preſent the ſame when prepared to the Houſe.

Want of a Proclamation, declaring Iriſh *Papiſts in Arms to be Rebels.*

To the King's moſt Excellent Majeſty, and the Lords and Peers now Aſſembled in Parliament.

The humble Petition and Proteſtation *of all the Biſhops and Prelates, now called by His Majeſty's Writs to attend the Parliament and preſent about* London *and* Weſtminſter *for that Service.*

The Petition and Proteſtation of the twelve Biſhops upon occaſion of Tumults, &c. Dec. *the* 10th.

THat whereas the Petitioners are called up by ſeveral and reſpective Writs, and under great Penalties to attend in Parliament, and have a clear and indubitate Right to Vote in Bills, and other Matters whatſoever debateable in Parliament by the Ancient Cuſtoms, Laws and Statutes of this Realm; and ought to be protected by your Majeſty quietly to attend and proſecute that great Service.

They humbly remonſtrate and proteſt before God, your Majeſty and the noble Lords and Peers now Aſſembled in Parliament; that as they have an indubitate Right to Sit and Vote in the Houſe of Lords, ſo are they (if they may be protected from Force and Violence) moſt ready and willing to perform their duties accordingly; and that they do abominate all Actions or Opinions tending to Popery, and the Maintenance thereof; as alſo all propenſion and inclination to any malignant Party, or any other ſide or party whatſoever, to the which their own Reaſons and Conſcience ſhall not move them to adhere.

But whereas they have been, at ſeveral times violently Menaced, Affronted

and

and Aſſaulted by multitudes of people, in their coming to perform their Services in that Honourable Houſe, and lately chaſed away, and put in danger of their lives, and can find no Redreſs or Protection, upon ſundry complaints made to both Houſes in theſe particulars, *An.* 1641

They likewiſe humbly proteſt before your Majeſty and the noble Houſe of Peers; that ſaving unto themſelves all their Rights and Intereſts of ſitting and voting in that Houſe at other times, they dare not Sit or Vote in the Houſe of Peers, until your Majeſty ſhall farther ſecure them from all Affronts, Indignities and Dangers in the Premiſes.

Laſtly, Whereas their Fears are not built upon Phantaſies and Conceits, but upon ſuch Grounds and Objects, as may well terrifie Men of good reſolutions, and much Conſtancy. They do in all duty and humility proteſt before your Majeſty, and the Peers of that moſt Honourable Houſe of Parliament againſt all Laws, Orders, Votes, Reſolutions and Determinations, as in themſelves null, and of none effect, which in their abſence, ſince the 27*th* of this inſtant Month of *Decemb.* 1641. have already paſſed; as likewiſe againſt all ſuch as ſhall hereafter paſs in that moſt Honourable Houſe, during the time of this their forced and violent abſence from the ſaid moſt honourable Houſe; not denying, but if their abſenting themſelves were willful and voluntary, that moſt Honourable Houſe might proceed in all theſe Premiſes, their Abſence, or this their Proteſtation notwithſtanding.

And humbly beſeeching your moſt Excellent Majeſty to Command the Clerk of the Houſe of Peers, to enter this their Petition and Proteſtation amongſt his Records.

They will ever pray to God to Bleſs and Preſerve, &c.

John Eborac. Thomas Dureſme. Robert Co. Lich. Joſeph Norwich. John Aſaphen. Guil. Ba. & Wels. George Hereford. Robert Oxon. Ma. Ely. Godfr. Glouc. Jo. Peterburg. Mor. Landaff.

Vera Copia Jo. Brown, *Cleric. Parlament.*

The Houſe of Lords was pleaſed, on the 30*th* of *Decemb.* to ſend a Meſſage to the Houſe of Commons, by Sir *John Banks* and Judge *Reeves*, to deſire a preſent Conference by a Committee of both Houſes, touching Matters of dangerous Conſequence. The Lords Communicate this Proteſtation to the Commons.

And at the Conference the Lord *Keeper*, in the Name of the Houſe of Peers, delivered as followeth,

'That this Petition and Proteſtation of the Twelve Biſhops, contain-'ing Matters of high and dangerous Conſequence, and ſuch as my Lords 'are very ſenſible of, and ſuch as require a ſpeedy and ſudden Reſoluti-'on; it extending to the deep Intrenching upon the fundamental Privi-'ledges and Being of Parliaments; Therefore the Lords have thought 'fit, that this Matter concerning the whole Parliament, may be com-'municated to the Houſe of Commons; it being a Thing of ſo great, and 'ſo general a Concernment.

This being thus communicated to the Houſe of Commons, they came to this Reſolution, To accuſe theſe twelve Biſhops of High-Treaſon, for endeavoring to ſubvert the Fundamental Laws and Being of Parliaments. The Commons reſolve to accuſe the Biſhops of High-Treaſon.

And Mr. *Glyn* was ordered to go to the Lords, and at their Bar, in the Name of the Houſe of Commons, and all the Commons of *England*, to accuſe theſe twelve Prelates of High-Treaſon, for endeavouring to ſubvert the Fundamental Laws of the Realm; and the very Being of Parliaments manifeſted by preferring that Petition and Proteſtation; and to deſire the Lords, that they may be forthwith ſequeſtred from Parliament, and put into ſafe Cuſtody; and that their Lordſhips would appoint a ſpeedy day for the Commons to charge them, and they to anſwer, for that the Commons were ready to make good their Charge.

He was farther ordered to give the Lords thanks, for communica-

An. 1641. ting this Petition with ſo much affection and ſpeed, and for expreſſing their Senſe thereof.

After Mr. *Glyn* had delivered this at the Bar, the Lords ſent the black Rod inſtantly to find out theſe Biſhops, and apprehend them, and by eight of the Clock at night, they were all taken, and brought upon their Knees to the Bar, and ten of them committed to the *Tower*, and two (in regard of their Age, and indeed of the worthy parts of one of them, the learned Biſhop of *Durham*) were committed to the black Rod.

The Warrants for their ſeizure and commitment: Together with the Orders of the Houſe of Lords for their putting in their anſwers, and aſſigning of them Counſel were as follow,

Jovis 30. *Decemb.* 1641.

Archbiſhop of *York* impeached: and other Biſhops to be brought to the Bar, Dec. the 30*th*.

Ordered by the Lords in Parliament, That the Lord Archbiſhop of *York*, his Grace (being charged by the Houſe of Commons of High-Treaſon) ſhall be forthwith brought before the Lords in Parliament.

To the Gentleman Uſher, &c.

Ordered, &c. That *Thomas* Lord Biſhop of *Durham*, *Joſeph* Lord Biſhop of *Norwich*, *Robert* Lord Biſhop of *Coventry* and *Litchfield*, *John* Lord Biſhop of St. *Aſaph*, *William* Lord Biſhop of *Bath* and *Wells*, *George* Lord Biſhop of *Hereford*, *Matthew* Lord Biſhop of *Ely*, *Robert* Lord Biſhop of *Oxon*, *Godfrey* Lord Biſhop of *Glouceſter*, *John* Lord Biſhop of *Peterborough*, and *Morgan* Lord Biſhop of *Landaff* (being all charged by the Commons of High-Treaſon) ſhall be forthwith brought before the Lords in Parliament.

To the Gentleman Uſher, &c.

And committed to the Tower:

Ordered, &c. That the Lord Archbiſhop of *York* his Grace, *the Lord Biſhop of Durham*, the Lord Biſhop of *Norwich*, the Lord Biſhop of *Coventry* and *Litchfield*, the Lord Biſhop of St. *Aſaph*, the Lord Biſhop of *Bath* and *Wells*, the Lord Biſhop of *Hereford*, the Lord Biſhop of *Ely*, the Lord Biſhop of *Oxon*, the Lord Biſhop of *Glouceſter*, the Lord Biſhop of *Peterborough*, and the Lord Biſhop of *Landaff*, being charged of High-Treaſon by the Houſe of Commons, ſhall forthwith ſtand committed to the Priſon of the *Tower*, until the pleaſure of this Houſe be further known; but the Intent of the Lords is, that all poſſible conveniences, that that place can afford, ſhall be allowed unto them.

To the Lieutenant of the Tower *of* London *and his Deputies.*

Eodem die.

But the Biſhop of *Durham* and *Litchfield* to the black Rod.

Ordered, &c. That the Lord Biſhop of *Durham*, and the Lord Biſhop of *Coventry* and *Litchfield* (being charged of High-Treaſon by the Houſe of Commons) ſhall forthwith ſtand committed to the ſafe Cuſtody of the Gentleman Uſher, until the pleaſure of this Houſe be further known.

To the Gentleman Uſher, &c.

Eodem die.

Time given to the Lords, the Biſhops to put in their Anſwers.

Ordered, &c. That *John* Archbiſhop of *York*, *Thomas* Lord Biſhop of *Durham*, *Joſeph* Lord Biſhop of *Norwich*, *Robert* Lord Biſhop of *Coventry* and *Litchfield*, *John* Lord Biſhop of St. *Aſaph*, *William* Lord Biſhop of *Bath* and *Wells*, *George* Lord Biſhop of *Hereford*, *Matthew* Lord Biſhop of *Ely*, *Robert* Lord Biſhop of *Oxon*, *John* Lord Biſhop of *Peterborough*, and *Morgan* Lord

Lord Biſhop of *Landaff*, ſhall put in their Anſwers on *Friday*, the *7th* of *January* next, before the Lords in Parliament, unto a charge of High-Treaſon brought up againſt them by the Houſe of Commons. 17 *Caroli.*

Eodem die.

Upon the reading of the Petition of the Lords, the Biſhops impeached by the Commons of High-Treaſon, deſiring to have theſe underwritten, aſſigned of Council for them. It is ordered, *&c.* That Mr. *Lane*, the Princes Attorney, Sir *Thomas Gardiner* Knt. Recorder of *London*, *John Hearne*, *Challenor Chute*, *John Fountain*, *Matthew Hales* and *Arthur Treavor*, ſhall be of Counſel with the ſaid Lords, the Biſhops in their Cauſe depending now before the Lords in Parliament, upon the ſaid Impeachment brought up againſt them, as aforeſaid, from the Houſe of Commons, and longer time was given to put in their Anſwer. Council aſſigned unto them.

A Common Council held at *Guild-Hall*, in the City of *LONDON*, the 31*ſt.* of *December*, 1641.

COmmune Concilium tent. in Camera Guild-Hall, *Civit.* London, *tricesimo primo die* Decemb. 1641. *poſt meridiem, Anno Reg. Dom. noſtri* Caroli *nunc Regis* Angliæ, *&c. decimo ſeptimo, coram* Richardo Gurney *Milite & Baronetto, Majore Civit.* London, Tho. Gardiner *Milite, ejuſdem Civit. Record.* Ed. Bromfield *Milit. &* Ed. Wright *Milit. & Alderm. dictæ Civit.* Johan. Cordell *Milit.* Joh. Gayer *Milit.* Jacobo Garrard *Milit. ac Alderm.* Tho. Atkin *Alderm.* John. Woollaſton *Milit. & Alderm.* Thom. Adams, Joh. Warner, Joh. Towſe, Abrah. Reynardſon, & Thom. Auſtin *prædict. Civit. Alderm. ac* Georgio Garret, & Georgio Clarke, *Mil. & Alderm. ac Vicecom. Civit. prædict. nec non majore parte Conciliariorum de Com. Concilio ejuſdem Civitat. tunc & ibidem aſſemblat.* The Kings Meſſage to the City about Tumults and the proceedings of the Common Council thereupon, *December*, 31*ſt.* 1641.

AT this Common Councel, Mr. Recorder declared, That by the direction of the Right Honourable the Lord Mayor, he was to ſignifie to them the cauſe of their now Aſſembly, how that his Lordſhip had yeſterday received a Letter, from Sir *Edward Nicholas* Knight; one of his Majeſties Principal Secretaries, intimating that it was his Majeſties pleaſure, his Lordſhip ſhould call a Common Councel againſt this time, and then his Lordſhip ſhould be advertiſed of his Majeſties further pleaſure: And that there was now at this preſent in the Councel Chamber an Honourable Perſon, being the Lord *Newburgh*, Chancellour of his Majeſties Court of the Duchy, and one of his Majeſties moſt Honourable Privy Council, come hither to deliver his Majeſties Meſſage, or Requeſt to this Court: And thereupon the Right Honourable the Lord *Newburgh* was deſired to come into this Court, who being here, declared and ſaid in this manner: Gentlemen, *His Majeſty out of his good affection towards the City, and acknowledging of your great loves lately ſhewed unto his Highneſs, hath ſent me in a Meſſage unto you, aſſuring it to be the ſame contained in a Paper, which he preſented and deſired to be read to this Common Councel*, which was accordingly done, the tenour whereof followeth in theſe words, *viz.*

THere having been of late many Tumultuary and Riotous Aſſemblies of People, about our Palaces of White-Hall, *and* Weſtminſter; *to the great diſturbance of us and our Parliament: and we having received information, that ſome ill-affected perſons, do ſtill endeavour to incite the like Tumults again; We have thought fit to recommend to your eſpeial care, the preventing them, as far as in you lies, eſpecially the enſuing Holidays, at which the idleneſs of many may make them apter to ſuch diſorders. We have thought fit likewiſe to let you know, that we are ſo well aſſured of the good Affections of our City of* LONDON, *by the great expreſſions which it hath made unto us of late, that We can in no wiſe underſtand it to have any ſhare in the fault of theſe tumults and diſtempers, but that they proceed meerly from the mean and unruly People of the Suburbs. And as We are moſt confident of the hearts and good Affections of our City of* London *towards Us and our Government, and will not entertain any other opinion; ſo we do deſire them not to be diſturbed by any jealouſies that ill-*

17 Caroli. *ill-affected persons may endeavour to sow, but to rest most confident and assured, that the safety, the protection, and the prosperity of the City, shall ever be with us a principal care.*

After the reading of which most gracious Message, whereby is fully manifested and expressed his Majesties gracious goodness, and great care for the safety and prosperity of this City (The Lord *Newburgh* having withdrawn himself) this Common Council took the same into their serious consideration, and how for the present to return by this Honourable person unto his Majesty an Answer with all humility and thankfulness: And after much debate, it was fully agreed and resolved of by this Common Council, That in the first place should be returned and rendred unto his Majesty from this Common Council, as the Representative Body of the whole City, their humble duty in all thankful manner, for his goodness and gracious love and care manifested to this City.

Secondly, that it should be signified unto his Majesty, That this Court, nor any particular Member thereof, hath had any hand in these Tumultuous and Riotous proceedings, and that they, and every of them do disavow and disclaim the same.

Thirdly, that it may be likewise signified, That this Court (as the Representative Body of the whole City) doth promise from henceforth their best endeavours to prevent and suppress in time to come (as far as in them lyeth) all such, or the like Tumultuous Assemblies, and all Mutinous and Rebellious persons.

And lastly, that the humble desire of this Court may be presented unto his Majesty, that all the Delinquents and causers of these Tumults, whatsoever they be, being apprehended, may be brought into Examination, and receive condign punishment according to the Law.

And these four things thus agreed upon were by direction of this Common Council here openly declared and delivered by the mouth of Master Recorder, unto that Honourable Person the Lord *Newburgh* here present, with desire that the same should be by his Lordship accordingly presented unto his Majesty, the which he promised to perform with trust.

And afterwards this Court entred into further consultation and debate touching the Tumultuous and Riotous Assemblies, lately spread night and day in several parts of this City, to the great trouble and affrightment of His Majesties good Subjects; and also touching the great neglect of that due respect which ought to be given by the Inhabitants of this City, to the several Precepts lately Issued out by my Lord Mayor for a continual Watch and Ward, day and night for prevention and suppression of such Tumults and Distempers.

And likewise touching the great neglect in appearance of the Trained-Bands of this City to their Colours, at the beat of the Drum; especially in these times of Danger, in contempt of Authority, being a matter of exceeding great consequence, and not fit to be suffered. And thereupon this Common Council taking much to heart, that such disobedience should grow and be found in the Inhabitants of this City, to the great disrespect of Magistracy and contempt of Government: And that such Disorders, and Tumultuary Assemblies should be permitted in such a City as this, formerly famous for the good and quiet Government thereof, hath thought it very expedient and behoveful, for redress, and remedy to be had in these abuses, being not fit to be any longer endured. That every Member of this Common Council, now Assembled, shall in their several Precincts spread it abroad, and make it known; That if any person, or persons, shall from hence-forth neglect his duty, and service to be performed, as aforesaid, and shall not do his best endeavour to suppress, or prevent any Tumults, or Riotous Assemblies, that shall hereafter be attempted within this City, or Liberties thereof, that then he or they offending shall receive condign punishment, according to his or their demerits.

And it is further thought fit, and so agreed by this Common Council, that my Lord Mayor may send out his Precepts in such manner, and to such purpose, as his Lordship, and his Brethren the Aldermen, shall think fit, for Watch and Ward, raising of Arms, or otherwise, for the safety and preservation of this City; to which this Court, and all the Members thereof, promise all due and chearful obedience.

An

17 *Caroli*

An Addeſs to his Majeſty in the name of the Commons Aſſembled in Parliament by a Committee of that Houſe *Verbally* delivered by Mr. *Denzil Hollis*, praying a Guard and an Anſwer without delay.

Addreſs to the King for a Guard on Dec. the 31th.

Moſt Gracious Sovereign!

WE are ſent by the Knights Citizens and Burgeſſes of the Houſe of Commons, your Faithful and Loyal Subjects (who are ready to lay down their Lives and Fortunes, and ſpend the laſt drop of their Blood to maintain your Crown, and Royal Perſon in Greatneſs and Glory, and do by us caſt themſelves down at your Royal Feet) to preſent unto your Majeſty their humble deſires, upon their great Apprehenſions, and juſt Fears of miſchievous deſigns and practices to ruine and deſtroy them. There have been ſeveral attempts heretofore to bring Deſtruction upon their whole Body at once, and Threats and Menaces againſt particular Perſons. There is a Malignant Party bitterly envenom'd againſt them, dayly gathering ſtrength and confidence; and now come to ſuch height, as they have given boldneſs to ſome to imbrue their hands in the blood of your Subjects, in the face, and at the doors of the Parliament; and at your Majeſties own Gates, and have given out inſolent and menacing Speeches againſt the Parliament it ſelf. This cauſeth great diſtractions among the People in general, and much fear and apprehenſion in the Houſe of Commons; That they conceive they cannot with the ſafety of their Perſons (upon which the ſafety and peace of the whole Kingdom doth now depend) ſit any longer unarm'd and unguarded. They have therefore their recourſe unto your Majeſty, moſt humbly beſeeching you, that it may ſtand with your good liking, if they provide for their own ſafety, which the very Law of Nature and Reaſon doth allow unto them: It is their humble deſire, that they may have a Guard out of the City of London, *Commanded by the Earl of* Eſſex, *Lord Chamberlain of your Majeſtſes Houſhold, of whoſe Fidelity to your Majeſty, and the Common wealth, they have had long Experience: by this your Majeſties Grace and Favour, you will remove their Fears, fill them with Comfort and Aſſurance, and enable them to ſerve your Majeſty in ſuch a way, as ſhall render your Majeſty and Government Happy and Glorious. And to this they do moſt humbly deſire your Majeſtie's Gracious and ſpeedy Anſwer, becauſe their ſafety, and the ſafety of the whole Kingdom depends upon it, and will not admit of any delay.*

The ſubſtance of this Meſſage being firſt delivered by word of mouth, the King deſired to have it in writing, which was delivered to his Majeſty accordingly. On the *Monday* following his Majeſty returned the following Anſwer to this Addreſs,

His Majeſties Anſwer to the Addreſs, ſent the laſt of *December* paſt, by the Houſe of Commons for a Guard.

Monday Jan. the 3d. The King's Anſwer.

WE have taken the laſt Meſſage from you, touching your deſire of a Guard *into our ſerious Conſideration; and truly, with great Grief of Heart, that (after a whole years ſitting of this Parliament, wherein you have obtained thoſe things, for the happineſs, and ſecurity of your ſelves, and the reſt of our Subjects, as no Age can equal, inſtead of Reaping in Peace and Tranquillity the Fruits of your Labours, and of our Grace and Affection to our People) We ſhould find Jealouſies, Diſtruſts, and Fears ſtill ſo prevalent among you, as to induce you to declare them unto Us, in ſo high a meaſure as you have done at this time.*

We are wholly Ignorant of the Grounds of your Apprehenſions, but this We do proteſt before Almighty God (to whom we muſt be Accountable for thoſe, whom he hath Intruſted to our care and Protection) that had we any knowledge, or belief of the leaſt deſign in any, of Violence, either formerly, or at this time, againſt you, we would purſue them to condign puniſhment, with the ſame ſeverity and deteſtation; that we would do to the greateſt attempt upon our Crown.

We

An. 1641.

We know the Duty of that place where God hath ſet us, the Protection we owe to all our Loyal Subjects, and moſt particularly to you, called to our Service by our Writs: And we do engage unto you ſolemnly the Word of a King, *that the ſecurity of all, and every one of you from Violence is, and ſhall ever be as much our Care, as the Preſervation of* Us *and our* Children.

And if this general Aſſurance ſhall not ſuffice to remove your Apprehenſions; we will Command ſuch a Guard *to wait upon you as we will be Reſponſible for to Him, who hath charged Us with the ſafety and protection of our Subjects.*

The aforeſaid Addreſs, being made on *Friday Decemb.* 31*ſt.* The Commons receiving no preſent Anſwer, ordered that Halberts ſhould be provided, and brought into the Houſe, for their own better ſecurity; which was done accordingly, and the ſaid Halberts ſtood in the Houſe for a conſiderable time afterwards. And alſo underſtanding that the Lords would not ſit the next day, (being *New Years-Day,*) they alſo Adjourned the Houſe till *Monday, Jan.* the 3*d.* but Ordered to meet the next day, being *Saturday, Jan.* the firſt, in a Grand Committee, at *Guild-Hall*; only Subſtituting a Committe at *Weſtminſter,* to receive His Majeſties Anſwer if it came in the mean time.

By the KING.

Jan. the 1*ſt.*

King's Proclamation againſt the *Iriſh* Rebels.

WHereas divers lewd and wicked Perſons have of late riſen in Rebellion in Our Kingdom of *Ireland,* ſuprized divers of our Forts and Caſtles, poſſeſſed themſelves thereof, ſurprized ſome of Our Gariſons, poſſeſſed themſelves of ſome of Our Magazines of Arms and Munition, diſpoſſeſſed many of Our Good and Loyal Subjects of the *Britiſh* Nation and Proteſtants, of their Houſes and Lands, robbed and ſpoiled many thouſands of our Good Subjects of the *Brittiſh* Nation and Proteſtants of their Goods to great values; Maſſacred multitudes of them, Impriſoned many others, and ſome who have the Honour to ſerve us as Privy-Counſellors of that Our Kingdom. We therefore having taken the ſame into Our Royal Conſideration, and abhorring the wicked Diſloyalty and horrible Acts committed by thoſe Perſons, do hereby not only declare Our Juſt Indignation thereof, but alſo do declare them and their Adherents and Abettors, and all thoſe who ſhall hereafter joyn with them, or commit the like Acts on any of Our Good Subjects in that Kingdom, to be *REBELS* and *TRAITORS* againſt our Royal Perſon, and Enemies to Our Royal Crown of *England* and *Ireland.*

And We do hereby ſtrictly charge and command all thoſe Perſons who have preſumed to riſe in Arms againſt Us and Our Royal Authority (which We cannot otherwiſe Interpret than Acts of High Rebellion and deteſtable Diſloyalty, when therein they ſpoil and deſtroy Our Good and Loyal Subjects of the *Brittiſh* Nation and Proteſtants) that they immediately lay down their Arms, and forbear all further Acts of Hoſtility. Wherein if they fail, We do let them know, That We have Authorized Our Juſtices of *Ireland,* and other Our chief Governour or Governours, and General or Lieutenant General of Our Army there: And do hereby accordingly require and authorize them and every of them, to proſecute them the ſaid Rebels and Traitors with Fire and Sword, as Perſons who by their High Diſloyalty againſt Us, their lawful and undoubted King and Sovereign have made themſelves unworthy of any mercy or favour, wherein Our ſaid Juſtices, or other chief Governor or Governors and General Lieutenant General of our ſaid Army ſhall be countenanced and ſupported by Us and by other powerful Succors of Our good Subjects of *England* and *Scotland,* that ſo they may reduce to Obedience thoſe wicked Diſturbers of that Peace, which by the bleſſing of God that Kingdom hath ſo long and ſo happily enjoyed under the Government of Our Royal Father and Us. And this Our Royal pleaſure We do hereby require Our Juſtices or other chief Governor or Governours

vernours of that Our Kingdom of *Ireland* to cauſe to be publiſhed and proclaimed in, and throughout Our ſaid Kingdom of *Ireland*. 17 *Caroli*

Given under Our Signet at Our Palace at Weſtminſter, *the firſt day of* January, *in the* 17th *Year of Our Reign* 1641.

And becauſe the Warrant for printing this Proclamation, was afterwards mentioned and controverted in ſome Declarations, I ſhall here add the ſame.

IT is His Majeſty's pleaſure, That you forthwith print in very good Paper, and ſend unto me, for His Majeſty's Service forty Copies of the Proclamation encloſed, leaving convenient ſpace for His Majeſty to ſign above, and to affix the Privy-Signet underneath. And His Majeſty's expreſs command is, That you print not above the ſaid number of forty Copies, and forbear to make any further publication of them till his pleaſure be further ſignified.

The Warrant for printing forty of theſe Proclamations and not above.

White-hall, January the 2d. 1641. Edw. Nicholas.

For His Majeſty's Printer.

See touching this Warrant His *Majeſty's* Anſwer to the Parliaments Remonſtrance of *May* the 9th. hereafter Inſerted in the Month of *May* 1642.

At this time happened the Accuſation of the Lord *Kimbolton*, and five Members of the Houſe of Commons, the whole Proceedings in which Affair, I ſhall here preſent all together, though ſome of the Meſſages, *&c.* relating thereunto bear Date ſome time afterwards.

CHAP. II.

Touching the Lord Kimbolton *and the five Members of the Houſe of Commons charged by the King with Treaſon.*

ON *Monday January* the 3*d.* The Lord *Keeper* acquainted the Houſe of Lords, That he was commanded by the King, to let their Lordſhips know, That his Majeſty had given Sir *Edward Harbert* his Attorney General command to acquaint their Lordſhips with ſome particulars from him. And Mr. *Attorney* approaching to the Clerks Table, ſpoke as followeth,

January the 3*d.* 1641.

My Lords,

THE King hath commanded me to tell your Lordſhips, That divers great and Treaſonable Deſigns and Practices againſt him, and the State have come to His Majeſty's knowledge, for which His Majeſty hath given me command in his Name to accuſe, and I do accuſe by delivering unto your Lordſhips theſe Articles in writing which I received of His Majeſty, the ſix Perſons therein named of High-Treaſon, The Heads of which Treaſon are contained in the ſaid Articles, which I deſire may be read.

The Attorney General accuſes the Lord *Kimbolton* and five Members of High-Treaſon in the Houſe of Lords.

The Houſe commanded the ſaid Articles to be read, which were as followeth,

Articles of High-Treaſon and other high Miſdemeanors again the Lord *Kimbolton*, Mr. *Denzil Hollis*, Sir *Arthur Haſlerig*, Mr. *John Pym*, Mr. *John Hampden*, and Mr. *William Stroud*.

The Articles prefered againſt them.

1. That they have traiterouſly endeavoured to ſubert the Fundamental Laws and Government of the Kingdom of *England*, to deprive the King of his Royal Power, and to place in Subjects an Arbitrary and Tyrannical Power over the Lives, Liberties and Eſtates of His Majeſty's leige People.

17 *Caroli.*

2. That they have traiterouſly endeavoured, by many foul aſperſions upon His Majeſty and his Government, to alienate the affections of his people, and to make His Majeſty odious unto them.

3. That they have endeavoured to draw His Majeſty's late Army to diſobedience to His Majeſty's command, and to ſide with them in their traiterous Deſigns.

4. That they have traiterouſly invited and encouraged a Foreign Power to Invade His Majeſty's Kingdom of *England*.

5. That they have traiterouſly endeavoured to ſubvert the Rights, and the very being of Parliaments.

6. That for the compleating of their traiterous Deſigns they have endeavoured ſo far as in them lay, by force and terror to compell the Parliament to joyn with them in their traiterous Deſigns, and to that end have actually raiſed and countenanced Tumults againſt the King and Parliament.

7. And that they have traiterouſly conſpired to Levy, and actually have levied War againſt the King.

Then Mr. Attorney ſaid, That he was further charged to deſire on His Majeſty's behalf.

1. That a ſelect Committee under a command of ſecreſie may be appointed to take the Examination of ſuch witneſſes as the King will produce in this Buſineſs, as formerly hath been done in Caſes of like Nature, according to the Juſtice of this Houſe.

2. Liberty to add and alter, if there ſhould be cauſe.

3. That their Lordſhips would take care for the ſecuring of the Perſons, as in juſtice there ſhould be cauſe.

The Lord *Kimbolton* being preſent in the Houſe, ſtood up and offered to obey whatever the Houſe ſhould order, but pray'd that as he had a publick charge, he might have a publick clearing.

Committee of Lords to conſider the legality of this accuſation.

The Lord *Steward*, Lord *Chamberlain*, Earl of *Bath*, Earl of *Southampton*, Earl of *Warwick*, Earl of *Briſtol*, Earl of *Holland*, with the Aſſiſtance of Mr Serjeant *Whitfield* and Mr. Serjeant *Glanvile*, were appointed a Committee to conſider Precedents and Records, touching the regularity of this Accuſation, whether there have ever been any ſuch Proceedings before in this Houſe, whether ſuch an Accuſation may be brought by the Attorney General into this Houſe againſt a Peer, *&c.*

The Lords acquainted the Commons therewith.

The Houſe of Peers ſent a Meſſage to the Commons (who were then in Debate of his Majeſty's Anſwer concerning their deſire of a Guard) to acquaint them, That ſome of their Members were accuſed in the Lords Houſe of High-Treaſon by the King's Attorney General.

Members Doors and Trunks Sealed up.

At the ſame time Information was alſo brought them, that ſeveral Perſons were ſealing up the Trunks, Doors, and Papers belonging to Mr. *Pym*, and Mr. *Hollis*, and afterwards of the other accuſed Members, whereupon it was ordered by the Houſe of Commons, that the Serjeant attending this Houſe ſhall have Power to break open the ſaid Doors and the Seals upon the Trunks, *&c.* and the *Speaker* to ſign a Warrant to apprehend the ſaid Perſons: And likewiſe they paſſed this following Order,

Die Lunæ 3. January, 1641.

Order of the Commons, that if any come to ſeize their Perſons, that they do ſtand upon their Guard.

IT is this day ordered upon the Queſtion by the Commons Houſe of Parliament, *that if any Perſons* whatſoever ſhall come to the Lodgings of any Member of this Houſe, and there do offer to Seal the Trunks Doors, or Papers of any Member of this Houſe, or to *ſeize upon their Perſons.* That then ſuch Members ſhall require the Aid of the Conſtable to keep ſuch Perſons in ſafe Cuſtody, till this Houſe do give further Order. And this Houſe doth further declare, that if any Perſon

17 *Caroli.*

ſon whatſoever ſhall offer to arreſt or detain the Perſon of any Member of this Houſe, without firſt acquainting this Houſe therewith, and receiving further order from this Houſe, that it is lawful for ſuch Member or any Perſon, to aſſiſt him, and to ſtand upon his and their Guard of Defence, and to make reſiſtance according to the Proteſtation taken to defend the Priviledges of Parliament.

H. Elſynge, Cler. Parl. D. Com.

And immediately the Commons ſent up Mr. *Walter Long*, to deſire a Conference with the Lords about breach of Priviledge; The Heads of which Conference were to this purpoſe,

Heads of a Conference with the Lords touching Sealing of Trunks, *&c.*

That the violating of the Priviledge of Parliament, is the overthrow of Parliament, that by the Proteſtation taken by both Houſes of Parliament, to defend the Priviledges of Parliament both Houſes are concerned in the Breach of either: That the Trunks, Chambers and Studies of divers Members of this Houſe are this day ſealed up. That the Parliament as the great Counſel of the Kingdom ought to ſit as a free Counſel, and no force ought to be ſet about them without their Conſent. That notwithſtanding there is a Guard in a Warlike manner, placed at *White-hall* to the Breach of the Priviledge of Parliament. Alſo to deſire the Lords that ſuch a Guard may be ſet about the Parliament as ſhall be approved of by both Houſes, or elſe to joyn with this Houſe to Adjourn to a place of Safety, and the Houſe ordered Mr. *Glyn*, Sir *Phillip Stapleton* and Mr. *Fiennes* to manage this Conference.

The Serjeant at Arms demands the five Members.

Whilſt theſe Members were about to go to the Lords Houſe, Serjeant *Francis* being come to the Door of the Houſe, having the Mace in his Hand, ſends in word that he was at the Door of that Houſe, and had a Command to deliver a Meſſage from his Majeſty to Mr. *Speaker*, whereupon he was called in to the Bar (but without his Mace,) and there he delivered this Meſſage, *viz.*

I am commanded by the King's Majeſty, my Maſter, upon my Allegiance that I ſhould come and repair to the Houſe of Commons where Mr. Speaker *is, and there to require of Mr.* Speaker *five Gentlemen Members of the Houſe of Commons and theſe Gentlemen being delivered, I am commanded to arreſt them in His Majeſty's Name of High Treaſon: Their Names are* Denſil Hollis, *Sir* Arthur Haſlerig, John Pym, John Hampden *and* William Stroud.

Commons firſt Meſſage to the King about the five Members.

After he delivered his Meſſage, the Houſe commanded him to withdraw, and appointed Sir *John Culpepper*, Lord *Faulkland*, Sir *Phillip Stapleton* and Sir *John Hotham* to attend his Majeſty, and to acquaint him *That this Meſſage from His Majeſty was a Matter of great Conſequence, that it concerneth the Priviledge of Parliament, and therein the Priviledge of all the Commons of* England, *That this Houſe will take it into ſerious conſideration, and will attend His Majeſty with an Anſwer in all humility and duty, with as much ſpeed as the greatneſs of the buſineſs will permit, and in the mean time the ſaid Members ſhall be ready to anſwer any legal charge made againſt them.*

Five Members enjoined to appear in the Houſe.

At this time Mr. *Speaker* by command of the Houſe, enjoyned theſe five Members before named particularly (one by one) to give their attendance on this Houſe *De Die in Diem*, till the Houſe take further order, and further ordered that to Morrow Morning at Ten of the Clock, the Houſe be turned into a *grand Committee* to take into conſideration the Meſſage ſent by Serjeant *Francis* from the King concerning the ſaid Members.

Mr. *Glyn* reports, the Conference this day had with the Lords concerning this matter, that the Lords had made an order to open the Doors and

An 1641.

Trunks of the Members of both Houſes which were ſhut up and Sea'ed, and that they have Reſolved to joyn with this Houſe in an humble Petition to the King, to deſire that ſuch a Guard as himſelf and both Houſes of Parliament ſhall approve of, may be appointed; and that they have appointed two Lords to attend the King with a proportionable Number of the Members of this Houſe in this matter.

Commons Anſwer to the Serjeant at Arms.

Then the Houſe returned Anſwer to Serjeant *Francis* (who attended all this while at the Door of the Houſe of Commons;) *That this Houſe will ſend an Anſwer to his Majeſty, to the Meſſage the Serjeant brought, by Members of their own*: Whereupon he returned.

Sir *William Killigrew* and Sir *William Flemming* to be taken into Cuſtody.

The Houſe being informed that it was Sir *William Flemming*, Sir *William Killigrew*, and other Gentlemen, who Sealed up the Studies and Doors of the five Members, ordered that they ſhould be forthwith apprehended by the Serjeant at Arms attending this Houſe, and to remain in the Cuſtody of the Serjeant of this Houſe till further Order.

Tueſday Janu. the 4*th.* King's Anſwer to the Meſſage about the five Members.

The Lord *Faukland* reported the Kings Anſwer to the ſaid Meſſage, delivered the laſt Night to his Majeſty, Concerning the breach of Priviledge of Parliament; in accuſing five Members of this Houſe, and ſending Serjeant *Francis* with the Mace to Seize upon their Perſons.

That at the delivery of this Meſſage to the King, his Majeſty did ask the Lord *Faukland*, whether the Houſe did *expect an Anſwer*, and before the Lord *Faukland* made Anſwer, his Majeſty ſaid he would ſend an Anſwer this Morning (being the 4*th.* of *January*) as ſoon as the Houſe was ſet, and in the mean time he bid him acquaint the Houſe, that the Serjeant at Arms did nothing but what he had directions from himſelf to do.

A Conference about the Articles againſt the five Members.

After the Report of this Anſwer of the Kings, the Houſe of Commons preſently Ordered, that a Conference be deſired with the Lords to acquaint them, that there is a *Scandalous Paper* publiſhed, containing *Articles of High Treaſon*, againſt the Lord *Kimbolton* of the Houſe of Peers, *Denzill Hollis*, Sir *Arthur Heſilerig*, *John Pym*, *John Hampden*, and *William Stroud* Members of the Houſe of Commons. And that for as much as it being againſt the Members of both Houſes they do deſire the Lords, that Right may be done againſt the Publiſhers of the ſaid Scandalous Paper, and to enquire who are the Authors and Publiſhers thereof, that they may receive Condign puniſhment, and that the Commonwealth may be ſecured againſt ſuch perſons.

The Anſwers of the Inns of Court touching their offering to be a Guard to the King; and practiſes uſed to have them this day in readineſs *Jan.* the 4*th*

The Gentlemen of the Inns of Court, having upon the apprehenſions of Tumults, offered themſelves to be a Guard to his Majeſty, and the Parliament underſtanding their had been ſome practices uſed to bid them be this day in a readineſs, ſent ſome of there Members to the four Inns of Court to enquire into the ſame, who now made their Report, and firſt Mr. *Brown*, ſpake and ſaid, That he had done the Meſſage enjoyned him by this Houſe, to the Gentlemen of the Society of *Lincolns Inn*, and received this Anſwer, *viz. That they had at firſt gone to the Court this laſt week, only upon occaſion of a Report brought to them that the Kings Perſon was in danger. That yeſter night, they had received a Meſſage from his Majeſty, by Sir* William Killigrew, *and Sir* William Flemming, *That they ſhould keep within this day, and be ready at an hours warning, if his His Majeſty ſhould have occaſion to uſe them. That they brought likewiſe a Paper of Articles to them, by which the Lord* (*) Mandevile *and five Members of the Houſe of Commons were accuſed of High Treaſon: That they had only an intent to defend the Kings Perſon, and would do their utmoſt alſo to defend the Parliament; being not able to make any diſtinction between the King and his Parliament, and that they would ever expreſs all true affection to the*

* Another Title of the Lord *Kimboltons.*

Houſe

Houſe of Commons in particular. Mr. *Ellis* of *Grays-Inn*, Mr. *Hill* of the *Inner-Temple*, and Mr. *Smith* of the *Middle Temple*, made the like Relation from the Gentlemen of thoſe other three Societies, only the Gentlemen of the *Middle Temple* ſent their Anſwer in writing, by the ſaid Mr. *Smith*; in which they ſhewed, *That their intention to defend the Kings Perſon was no more than they were bound unto by the Oath of Allegiance*; with which ſeveral Anſwers from the Inns of Court, the Houſe reſted well ſatisfied, 17 *Caroli.*

The ſaid five accuſed Members this day *after dinner* came into the Houſe, and did appear according to the ſpecial Order and Injunction of the Houſe laid upon them yeſter day, to give their attendance upon the Houſe, *de die in diem*, and their appearance was entred in the Journal. *Jan.* the 4*th.* In the Afternoon the five Members appear in the Houſe.

They were no ſooner ſate in their places, but the Houſe was informed by one Captain *Langriſh*, lately an Officer in Arms in *France*, that he came from among the Officers, and Souldiers at *White Hall*, and underſtanding by them, that his Majeſty was coming with a Guard of Military Men, Commanders and Souldiers, to the Houſe of Commons, he paſſed by them with ſome difficulty to get to the Houſe before them, and ſent in word how near the ſaid Officers and Souldiers were come; Whereupon a certain Member of the Houſe having alſo private Intimation from the Counteſs of *Carlile*, Siſter to the Earl of *Northumberland*, that endeavours would be uſed this day to apprehend the five Members, the Houſe required the five Members to depart the Houſe forthwith, to the end to avoid Combuſtion in the Houſe, if the ſaid Souldiers ſhould uſe Violence to pull any of them out. To which Command of the Houſe, four of the ſaid Members yielded ready Obedience, but Mr. *Stroud* was obſtinate, till Sir *Walter Earle* (his ancient acquaintance) pulled him out by force, the King being at that time entring into the *New Pallace-yard*, in *Weſtminſter*: And as his Majeſty came through *Weſtminſter Hall*, the Commanders, Reformadoes, &c. that attended him, made a Lane on both ſides the Hall (through which his Majeſty paſſed and came up the Stairs to the Houſe of Commons) and ſtood before the Guard of Penſioners, and Halberteers, (who alſo attended the Kings Perſon,) and the door of the Houſe of Commons being thrown open, his Majeſty entred the Houſe, and as he paſſed up towards *the Chair* he caſt his eye on the Right-hand near the Bar of the Houſe, where Mr. *Pym* uſed to ſit, but his Majeſty not ſeeing him there (knowing him well) went up to the Chair, and ſaid, *By your leave, (Mr. Speaker) I muſt borrow your Chair a little*, whereupon the Speaker came out of the Chair, and his Majeſty ſtept up into it, after he had ſtood in the Chair a while, caſting his Eye upon the Members as they ſtood up *uncovered*, but could not diſcern any of the five Members to be there, nor indeed were they eaſie to be diſcerned (had they been there) among ſo many bare Faces all ſtanding up together.

Notice given of the King's coming.

The five Members ordered to withdraw.

The King in Perſon demands the five Members *Jan.* the 4*th.*

Then His Majeſty made this Speech,

Gentlemen,

His Majeſty's Speech in the Houſe of Commons *Jan* the 4*th.* 1641.

I Am ſorry for this occaſion of coming unto you: Yeſterday I ſent a Serjeant at Arms upon a very Important occaſion to apprehend ſome that by my command were accuſed of High Treaſon, whereunto I did expect Obedience, and not a Meſſage. And I muſt declare unto you here, that albeit, no King that ever was in England, *ſhall be more careful of your Priviledges, to maintain them to the uttermoſt of his power then I ſhall be; yet you muſt know that in Caſes of Treaſon, no perſon hath a priviledge. And therefore I am come*

to

An. 1641.

to know if any of theſe perſons that were accuſed are here: For I muſt tell you Gentlemen, that ſo long as theſe perſons that I have accuſed (for no ſlight Crime but for Treaſon) are here, I cannot expect that this Houſe will be in the Right way that I do heartily wiſh it: Therefore I am come to tell you that I muſt have them whereſoever I find them. Well, ſince I ſee all the Birds are Flown, I do expect from you, that you ſhall ſend them unto me, as ſoon as they return hither. But I aſſure you, in the word of a King, I never did intend any Force, but ſhall proceed againſt them in a legal and fair way, for I never meant any other.

And now ſince I ſee I cannot do what I came for, I think this no unfit occaſion to repeat what I have ſaid formerly, That whatſoever I have done in favour, and to the good of my Subjects, I do mean to maintain it.

I will trouble you no more, but tell you I do expect as ſoon as they come to the Houſe, you will ſend them to me; otherwiſe I muſt take my own Courſe to find them.

When the King was looking about the Houſe; the Speaker ſtanding below by the Chair, his Majeſty ask'd him, whether any of theſe perſons were in the Houſe? Whether he ſaw any of them? and where they were? To which the Speaker falling on his Knee, thus Anſwered.

The Speakers Anſwer to His Majeſty's Queſtions.

"May it pleaſe your Majeſty,

I Have neither Eyes to ſee, nor Tongue to ſpeak in this place, but as the Houſe is pleaſed to direct me, whoſe Servant I am here, and humbly beg your Majeſties Pardon, that I cannot give any other Anſwer than this, to what your Majeſty is pleaſed to demand of me.

The Houſe immediately Adjourns.

The King having Concluded his Speech, went out of the Houſe again which was in great diſorder, and many Members cryed out, aloud ſo as he might hear them, *Priviledge! Priviledge!* and forthwith Adjourned till the next Day at One of the Clock.

The King requires a Copy of his Speech of Mr. *Ruſhworth.*

The ſame Evening his Majeſty ſent *James Maxwell*, Uſher of the Houſe of Peers, to the Houſe of Commons, to require Mr. *Ruſhworth* the Clerk, Aſſiſtant, whom his Majeſty had obſerved to take his Speech in Characters, at the Table in the Houſe, to come to his Majeſty, and when *Maxwell* brought him to the King, his Majeſty Commanded him, to give him *a Copy of his Speech* in the Houſe, Mr. *Ruſhworth* humbly beſought his Majeſty (hoping for an Excuſe) to call to mind how Mr. *Francis Nevil*, a *Yorkſhire* Member of the Houſe, of Commons, was committed to the *Tower*, but for telling his Majeſty what words were ſpoken in the Houſe, by Mr. *Henry Bellaſis*, ſome to the Lord *Faulconbridge*, to which his Majeſty ſmartly replied, *I do not ask you to tell me what was ſaid by any Member of the Houſe but what I ſaid my ſelf.* Whereupon he readily gave Obedience to his Majeſties Command, and in his Majeſties preſence in the Room, called the *Jewel Houſe*, he Tranſcribed his Majeſties *Speech* out of his Characters, his Majeſty ſtaying in the Room all the while. And then and there preſented the ſame to the King, which his Majeſty was pleaſed to command to be ſent ſpeedily to the *Preſs*, and the next Morning it came forth in Print.

Wedneſday Jan. the 5*th.* Commons Meſſage to the Lords.

The Commons ſent Mr. *Fiennes* with a Meſſage to the Lords, to give them notice of the Kings coming Yeſterday, and that they conceived it a high and great breach of Priviledge; and to repeat their deſires that their Lordſhips would join with them in a Petition to the King, that the Parliament may have a Guard to ſecure them as ſhall be approved of by his Majeſty, and both Houſes; and alſo to let them know, that they have appointed a Committe to ſit at *Guild Hall, London*, and have alſo appointed the Committee for the *Iriſh* Affairs to meet there.

Then

Then falling in further Debate about yeſterdays Tranſactions, they paſſed the following Order. *An.* 1641

Die Mercurii 5. *January.*

WHereas His Majeſty in his Royal Perſon yeſterday being the 4*th.* of *Jan.* 1641. did come to the Houſe of Commons, attended with a great multitude of Men armed in a Warlike manner with *Halberts*, *Swords* and *Piſtols*, who came up to the very Door of the Houſe and placed themſelves there, and in other places and paſſages near to the Houſe, to the great terror and diſturbance of the Members thereof then ſitting, and according to their duty in an orderly and peaceable manner, treating of the great Affairs of both Kingdoms of *England* and *Ireland*; and His Majeſty having placed himſelf in the *Speaker*'s Chair, did demand the Perſons of divers Members of the Houſe to be delivered unto him.

Jan. the 5*th.* An Order of the Commons that the King's coming to the Houſe *Jan.* the 4*th.* was a breach of Priviledge.

It is this day declared by the Houſe of Commons, that the ſame is a high Breach of the Rights and Priviledges of Parliament, and inconſiſtent with the liberty and free-born Members thereof; and therefore this Houſe doth conceive they cannot with the ſafety of their own Perſons, or Indemnity of the *Rights* and *Priviledges of Parliament ſit here* any longer without a full Vindication of ſo high a Breach, and ſufficient Guard wherein they may confide, for which both Houſes joyntly, and this Houſe by it ſelf have been humble ſuitors to His Majeſty, and cannot yet obtain.

Notwithſtanding which this Houſe being very ſenſible of the greateſt Truſt repoſed in them, and eſpecially at this time of the manifold diſtractions of this Kingdom, and the lamentable and diſtreſſed condition of the Kingdom of *Ireland*, doth order that this Houſe ſhall be adjourned till *Tueſday* next, at one of the Clock in the Afternoon, and a *Committee be named* by this Houſe, and all that will come to have voices, ſhall *ſit at the Guild hall* in the City of *London*, to Morrow Morning at nine of the Clock, and ſhall have power to conſider and reſolve of all things that may concern the Good and Safety of the City and Kingdom, and particularly how our Priviledges may be vindicated and our perſons ſecured, and to conſider of the Affairs and Relief of *Ireland*, and ſhall have power to conſult and adviſe with any Perſon or Perſons touching the Premiſſes, and ſhall have power to ſend for Parties, Witneſſes, Papers and Records; and it is further ordered, that the Committee for the *Iriſh* Affairs ſhall meet at the *Guild-hall* aforeſaid, at what time they ſhall think fit, and conſult and do touching the Affairs of *Ireland*, according to the Power formerly given them by this Houſe, and both the ſaid Committees ſhall report the Reſults of their conſideration and reſolution to this Houſe; the Names of the Committee do follow, *viz.*

Committee for *Iriſh* Affairs to ſit at *Guild-hall.*

Mr. Chancellor of the *Exchequer*, Mr. *Glyn*, Mr. *Whitlock*, Lord *Faulkland*, Sir *Phillip Stapleton*, Mr. *Nathaniel Fienes*, Sir *Ralph Hopton*, Sir *John Hotham*, Sir *Walter Earl*, Sir *Robert Cook*, Sir *Thomas Walſingham*, Sir *Samuel Roll*, Mr. *Pierpoint*, Mr. *Walter Long*, Sir *Richard Cave* Sir *Edward Hungerford*, Mr. *Grimſtone*, Sir *Chriſtopher Wray*, Sir *Ben. Rudyard*, Sir *John Heppiſley*, Mr. *Herbert Price*, Sir *John Wray*, Sir *Thomas Barrington*, Mr. *Wheeler*, Sir *William Litton*: And all that will come are to have voices at this Committee.

The Names of the Committee of the Houſe of Commons appointed to ſit at the *Guild-hall.*

And then the Houſe Adjourned till *Tueſday* the 11*th* of *January* at One in the Afternoon, according to the ſaid Order.

Houſe Adjourns to the 11*th.*

The ſame day His Majeſty was alſo pleaſed to go into *London* with his uſual attendance, and in his paſſage ſome People did cry out aloud *Priviledges of Parliament! Priviledges of Parliament!* And one *Henry Walker* an Iron-monger, and Pamphlet-writer, threw into His Majeſty's Coach a Paper, wherein was written (*to your Tents O Iſrael*) for which he was committed, and afterward proceeded againſt at the Seſſions.

The King goes into *London.*

His Majeſty being arrived at *Guild-Hall* and the Common-Council aſſembled, he made this Speech to them,

Gentlemen,

I *Am come to demand ſuch Perſons as I have already accuſed of High-Treaſon, and do believe are ſhrowded in the City. I hope no good Man will*

King's Speech to the Citizens at *Guild-hall* *Jan.* the 5*th.* 1641.

An. 1641. *will keep them from me; their Offences are Treaſon and Miſdemeanors of an high Nature. I deſire your loving aſſiſtance herein, that they may be brought to a legal Trial.*

And whereas there are divers ſuſpitions raiſed that I am a Favourer of the Popiſh Religion, I do profeſs in the Name of a King, That I did and ever will, and that to the utmoſt of my Power, be a Proſecutor of all ſuch as ſhall any ways oppoſe the Laws and Statutes of this Kingdom, either Papiſts, or Separatiſts; and not only ſo, but I will maintain and defend that true Proteſtant Religion which my Father did profeſs, and I will continue in it during life.

The King Dines in the City.

His Majeſty was nobly entertained that day in *London* at the Houſe of one of the Sheriffs, and after Dinner return'd to *White-hall* without interruption of Tumults.

Jan. the 6th. The Committee at *Guild-hall.*

The Committee of the Houſe of Commons meeting at *Gui'd Hall,* imploy'd themſelves in drawing up a Declaration touching his Majeſty's late coming to their Houſe, which held them till the 9th of *January*, witneſſes being examined to prove the Words, Actions, and Geſtures of them that followed his Majeſty and ſtood near the Door of the Houſe of Commons.

Jan. the 7th.

The Committee Adjourn'd to *Grocers-Hall,* (becauſe there was a Common-Council at *Guild-Hall,* and received information, That on the 4th of *January*, the Lieutenant of the *Tower* permited one hundred Arms, two Barrels of Powder, and Match and Shot proportionable to go out of the *Tower* to *White-hall*, whereupon ſome of the Committee were appointed to inquire further into that matter, which was found to be true.

Arms ſent from the *Tower* Jan. the 4th.

The Common-Council this day agreed upon the following Petition.

To the King's moſt Excellent Majeſty.

The humble Petition of the Mayor, Aldermen, and Common-Council of the City of *London.*

May it pleaſe Your moſt Excellent Majeſty,

The City Petition Jan. the 7th.

THE *often Experience of your moſt Gracious Acceptance, of the manifeſtation of the Petitioners Duty and Loyalty; and the frequent Declaration of your Majeſty's great care of the good and welfare of this City, and of the true Proteſtant Religion, and of protecting and preſerving the Perſons and* Priviledges of your great Counſel Aſſembled in the high Court of Parliament, *hath, incouraged your* Petitioners to repreſent the great Dangers, Fears and Diſtractions, *wherein the City now is, by reaſon of the prevailing Progreſs of the* bloody Rebels in Ireland, *fomented and* acted by the Papiſts *and* their Adherents, *&c. the want of Aid to ſuppreſs them, and the ſeveral Intimations they have had, both foreign and at home, of the driving on of Deſigns tending to the* utter ruine of the Proteſtant Religion, *and of the Lives and Liberties of your Majeſty's Loyal Subjects, the* putting out of Perſons of Honour and Truſt from being Conſtable and Lieutenant of the Tower, *eſpecially in theſe times; and the preparations there lately made, the* fortifying of White-Hall *with* Men and Munition in an unuſal manner; *ſome of which men with provoking language and violence* abuſed divers Citizens *paſſing by, and the drawing* divers Swords, *and therewith* wounding ſeveral other *Citizens in* Weſtminſter hall, *that were* unarmed; *the late Endeavours uſed to the* Inns of Court, *the calling in divers* Cannoneers and other aſſiſtance into the Tower. *The late diſcovery of* divers Fire works *in the Hands of a Papiſt, and the* miſunderſtanding betwixt your Majeſty and Parliament, *by reaſon of miſ information as they humbly conceive.*

Beſides all which the Petitioners fears are exceedingly encreaſed *by* your Majeſty's late going into the Houſe of Commons, *attended with a great multitude of* armed Men

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Men (beſides your ordinary Guard) *for the apprehending of divers Members of that Houſe, to the endangering of your Sacred Perſon, and of the Perſons and Priviledges of that honourable Aſſembly.* The effect of all which fears, *tend not only to the overthrow of the whole Trade of this City and Kingdom, which the Petitioners already feel in a deep meaſure, but alſo threatens the utter Ruin of the Proteſtant Religion, and the Lives and Liberties of all your Loyal Subjects.*

The Petitioners therefore moſt humbly pray your Sacred Majeſty, that by the Advice of your great Counſel in Parliament; *the* Proteſtants in Ireland *may be ſpeedily relieved,* the Tower put into the hands of *Perſons of truſt, that by removal of* doubtful and unknown perſons from about White hall *and* Weſtminſter, *a known and* approved Guard may be appointed *for the ſafety of your Majeſty and Parliament*; *and that the Lord* * Mandeville and the five Members *of the Houſe of Commons* lately accuſed, may not be reſtrained of liberty, *or proceeded againſt otherwiſe then according to the priviledges of Parliament.*

* *Kimbolton.*

And your Petitioners (as in all duty bound) ſhall pray for your Majeſty's moſt long and happy Reign.

His Majeſty's Anſwer to the Petition of the Mayor, Aldermen, and Common-Council of the City of *London.*

HIS Majeſty having full conſidered the matter of this Petition, is graciouſly pleaſed to declare that being unalterably reſolved *to make good all his Expreſſions and Declarations of his Care of this City, of the true Proteſtant Religion, and of the Priviledges of Parliament: His Majeſty takes in good part the Intimation given by the Petitioners of the fears and diſtractions wherein the City now ſeems to be: And though he* conceives he did on *Wednesday* at the *Guild Hall,* ſatisfie moſt of theſe particulars: *is pleaſed to add this further Anſwer.*

1. *That for the ſaid buſineſs of* Ireland, *His Majeſty cannot poſſibly expreſs a greater Senſe then he hath done, there being nothing left on His Majeſty's part unoffered or undone: And he hoped by the ſpeedy Advice and Aſſiſtance of his Parliament, that great and neceſſary Work would be put in a ſure forwardneſs, to which His Majeſty will contribute all his power, and how zealous he is and hath been therein, will appear in a Declaration ſpeedily to be ſet forth by His Majeſty.*

2. *For the* Tower *His Majeſty wonders, that having removd a Servant of good Truſt and Reputation from that Charge only to ſatisfie the Fears of the City, and put in another of unqueſtionable reputation and known ability, the Petitioners ſhould ſtill entertain thoſe fears, and what ever preparations of ſtrength is there made, is with as great an eye of ſafety and advantage to the City as to his Majeſty's own Perſon, and ſhall be equally employed to both.*

3. *For the* fortifying of White-hall *with Men and Munition in an unuſual way, His Majeſty doubts not but the Petitioners have obſerved the ſtrange Provocation he hath received to entertain that Guard, that by the diſorderly and tumultuous conflux of people at* Weſtminſter *and* White-hall; *His Majeſty's great Council was not only diſquieted, but his own Royal Perſon in danger. Moſt ſeditious language being uttered even under his own Windows, whilſt the examination and puniſhing ſuch Tumults by the courſe of Law were interrupted and ſtopped. And if any Citizens were wounded or ill intreated, His Majeſty is confidently aſſured, that it happened by their own evil and corrupt demeanors.*

4. *His Majeſty knows no other endeavours to the* Inns of Court *then a gracious Intention, that he received the tender of their Loyal and Dutiful Affections, with very good Approbations and Acceptance, and an encouragement given them to continue the ſame upon all Occaſions. Neither doth His*

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Majeſty know what diſcovery hath been lately made of Fire works in the hands of any Papiſt.

5. *For his going to* the Houſe of Commons, *when his attendance were no otherwiſe armed then as Gentlemen with Swords; His Majeſty is verily perſwaded, that if the Petitioners knew the clear Grounds upon which theſe perſons ſtand accuſed of* High-Treaſon, *and what will be proved againſt them (which in due time they ſhall be acquainted with) and conſidered the gentle way His Majeſty took for their Apprehenſion, which he preferred before any courſe of violence (though that way had been very juſtifiable, for His Majeſty is very well aſſured that it is notoriouſly known that no Priviledge of Parliament can extend to* Treaſon, Felony, *or breach of the Peace) the Petitioners would believe His Majeſty's going thither, was an Act of Grace and Favour to that Houſe, and the moſt peaceable way of having that neceſſary Service, for the apprehenſion of thoſe Perſons, performed; eſpecially if ſuch Orders have been made, which His Majeſty is not willing to believe for the Reſiſtance of all lawful Authority as are diſcourſed of.*

6. *And for the Proceedings againſt* theſe Perſons mentioned in the Petition, *His Majeſty ever intended the ſame ſhould be with all Juſtice and Favour, according to the Laws and Statutes of the Realm, to the which all innocent Men would chearfully ſubmit.*

And this extraordinary way of ſatisfying a Petition of ſo unuſual a Nature, *His Majeſty is confidently perſwaded, will be thought* the greateſt Inſtance can be given of his Majeſty's clear Intentions *to his Subjects, and of the ſingular* Eſtimation he hath of the good Affections of this City, *which he believes in gratitude will never be wanting to his juſt commands and ſervice.*

Jan. the 8*th.* King's Proclamation againſt the five Members.

A Proclamation was publiſhed, by which his Majeſty declared, That he had accuſed the Lord *Kimbolton* and the ſaid five Members, of High-Treaſon, commanding all Magiſtrates and Officers to apprehend them, and carry them to the *Tower*.

Proceedings of the Committee in *London*.

The Committee ſate again at *Grocers hall*, and appointed a ſub-Committee to draw up Heads for their ſafe coming to *Weſtminſter* on *Tueſday* next, and agreed that the Sheriffs of *London* and *Middleſex* ſhould raiſe the *poſſe Comitatus* for that day for the Guard of the King and Parliament.

Whilſt the grand Committee of the whole Houſe ſate in *London* (amongſt other things which they diſpatched there) they did on the *9th* of *January* take the Information of *Samuel* and *Daniel Lewis* being examined upon Oath, by Mr. *Whittacre* a Juſtice of the Peace.

Saturday Jan. the 8*th.* Examinations taken touching words ſpoken by Captain *Hide*.

THE ſaid Daniel Lewis *doth depoſe that he being yeſterday at Dinner with the Lord* Blayny, *at a Lodging in St.* Martin's-Lane, *one Captain* Hide *being then alſo preſent, the ſaid* Hide *aſkt this Informant if* he were a Citizen? *whereunto this Informant anſwered, that he was a Citizen of* London, *whereupon the ſaid Captain* Hide *ſaid, that he himſelf was* one of the firſt that did draw his Sword upon the Apprentices at White-Hall-Gate, *and ſaid further, that he heard there would come down ten thouſand Citizens to* Weſtminſter, *to Guard the Parliament upon* Wednesday *next, the* 12th *of this Month, which if they did, it would be the* bloodieſt day *that was ſeen in* England *theſe many Years, and that he for his part would* kill as many of them *as he could, and that they were a company of* prick eared *and* crop eared Raſcals, *and that he would believe a* Papiſt *before a Puritan: And this Informant further ſaith, that the ſaid* Hide *in all his diſcourſe did accompany the ſame with many fearful Oaths and Imprecations as* God dammy, *and the like; and that the ſaid Captain* Hide *pulled a Piſtol out of his Pocket, ſaying in a jearing manner, it was not charged, but upon tryal it was found to be charged very deep, and ſaid he had five Supplies for the ſame;* which ſaid Information was alſo teſtified upon Oath by *Samuel Lewis*.

At

At this time divers *Mariners* and Sea-men came to the Committee, and with a Petition ſigned by a thouſand Hands tendered their ſervice to guard the Committee by Water to *Weſtminſter*, which was accepted of by the Committee, and ordered that they ſhould provide ſuch Artillery as was neceſſary on *Tueſday* Morning, and to Rendevouze ſo as to go through Bridge with the Tide; and that all great Guns and Muſquets in their Veſſels ſhould be cleared before hand, to the end there might be no ſhooting that day, except in caſe of great neceſſity, and the Mariners and Sea-men declared they would readily perform what was propoſed for the ſafety of the King and Parliament, and in purſuance of their Proteſtation.

Mariner offer to Guard the Committee to the Parliament Houſe by Water.

After that there came Apprentices in great Numbers to the Committee, and tendered their ſervice to guard them to the Parliament on *Tueſday* next, the 11*th.* of *January*, who were called in and Serjeant *Wyld*, the Chair-man to the Committee gave them thanks for their affection and willingneſs to ſerve the Parliament; but told them that there would be no need of their aſſiſtance, for there would be a Guard provided for them by Water to *Weſtminſter*, and the Trained Bands would do the ſame by Land: And told them further, that the Committee was ſenſible of their former readineſs to guard the Parliament, upon which many of them were wounded; and that the Parliament hopes to ſee them have redreſs in due time, and therefore deſired them to ſtay at home that day.

Apprentices offer to Guard them, but are excuſed.

A Ship at this time arriving in the *Thames* from *Berwick* with Arms and Ammunition, and coming near the *Tower*, the Committee ordered her to fall down the River out of the Command of the *Tower*, and that if any Perſons ſhould offer to take any Arms or Ammunition out of her, the Maſter of the ſaid Veſſel ſhould call to him the aſſiſtance of Sailers and others for the keeping of the ſame.

A Ship with Arms.

The King's Printer was ſent for by the Committee, who acknowledged, that he was commanded to print the Proclamation againſt the five Members, but with direction not to diſperſe the ſame in *London*, which he ſaid he did not do.

The Committee this day had ſome intelligence or rumour that the King propoſed to come in Perſon on *Monday* next to the ſaid Committee in *London*, and that there were hopes of reconciling the miſunderſtanding between him and his People; whereupon they ordered the Captains of the Trained Bands that attended them as a Guard, ſhould take ſpecial care, that His Majeſty and the *Engliſh* Nobility have way made for them to come in, and all duty and reſpect ſhewed them, and that they ſuffer no Perſon elſe to come in; and Sir *Ralph Hopton* and Mr. *Charles Price* (who were the King's Servants) were deſired to ſtand by the Officers of the Guard to ſee the ſame performed, and to ſhew them ſuch Perſons as are of the *Engliſh* Nobility. But this Rumour of His Majeſty's coming thither proved falſe.

A Rumour that the King would come to the Committee.

Monday January the 10*th.* Mr. *Glyn* reports to the grand Committee a further Reſolution of the Committee at *Grocers-Hall*, *viz.*

Monday Jan. the 10*th.* Mr. *Glyn*'s Report.

That the publiſhing of ſeveral Articles purporting a Form of a Charge of High Treaſon againſt the Lord *Kimbolton*, one of the Members of the Lords Houſe, and againſt Mr. *Hollis*, &c. Members of the Houſe of Commons by Sir *William Killigrew*, Sir *William Fleming*, and others in the Inns of Court and elſe where, in the King's Name, is a high Breach of the Priviledges of Parliament, a great Scandal to His Majeſty and his Government, a ſeditious Act manifeſtly tending to the Subverſion of the Peace of the Kingdom, and injury and diſhonour to the ſaid Members, there being no legal charge or accuſation againſt them.

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That the Priviledges of Parliament, and the Liberty of the Subject ſo violated and broken, cannot be fully and ſufficiently vindicated, unleſs His Majeſty will be graciouſly pleaſed to diſcover the Names of thoſe Perſons who adviſed His Majeſty to the Sealing of the Chambers and Studies of the ſaid Members, to ſend a Serjeant at Arms to the Houſe of Commons to demand the ſaid Members, to iſſue ſeveral Warrants under his Majeſty's own Hand to apprehend the ſaid Members, his Majeſty's coming thither in his own Royal Perſon, the publiſhing of the ſaid Articles and printed Papers in the Frame of a *Proclamation*, againſt the ſaid Members (in ſuch manner as is before declared,) to the end ſuch Perſons may receive condign Puniſhment

The King leaves *London* Jan. the 10*th.*

This preſent *Monday* the 10*th.* of *January*, about three of the Clock in the Afternoon, the King with the Queen and their Royal Off-ſpring left *White-hall*, and the whole Court: His Majeſty being in his Coach, called the Captain of the Guard of Train-Bands that attended at *White-hall*, unto him, and ſaid, *I thank you for your attendance, and for what you have done, and do now diſmiſs you.* So His Majeſty went to *Hampton-Court*, and from thence afterwards by degrees to *York*.

A Note of his Majeſties ſeveral Removes, from the time of his leaving *London*, until his Arrival at *York* 1641.

King removes till he came to *York*.

January,	10*th.*	From *White-Hall*, to *Hampton-Court*.		26*th.*	To *Greenwich*, where he ſent for the Prince of *Wales*, and Duke of *York*.
	12*th.*	To *Windſor*.		28*th.*	Thence to *Theobalds*.
February,	9*th.*	Back to *Hampton-Court*.	*March.*	3*d.*	To *Royſton*.
	10*th.*	To *Greenwich*.		7*th.*	To *Newmarket*.
	11*th.*	To *Rocheſter*.		14*th.*	To *Huntington*.
	13*th.*	To *Canterbury*.		15*th.*	To *Stamford*.
	16*th.*	Thence to *Dover*, with the Q. and P. of *Or.*		17*th.*	To *Newark*.
	23*d.*	Queen and Princeſs Embarked for *Holland*.		18*th.*	To *Doncaſter*.
	25*th.*	Kings returns to *Cant.*		19*th.*	To *York*.

Tueſday Jan. the 11*th.* The Commons meet again at *Weſtminſter*.

This Afternoon the Houſe according to Adjournment being again to meet, the Committee together with the Lord *Kimbolton* and the five Members about one of the Clock took Water at the *Three Cranes*, attended with thirty or forty long-Boats with Guns, Flags, &c. and a great number of Citizens and Sea-men in other Boats and Barges, and ſo they were conveyed to *Weſtminſter*, ſome of the Train'd-Bands marching at the ſame time by Land to be a Guard about the two Houſes.

The next day His Majeſty ſent them the following Meſſage.

King's Meſſage that he does wave his former proceedings againſt the five Members Jan. the 12*th.*

HIS Majeſty taking notice that ſome conceive it diſputable whether his proceedings againſt the Lord Kimbolton, *Mr.* Hollis, *Sir* Arthur Haſlerig, *Mr.* Pym, *Mr.* Hampden *and Mr.* Strode *be legal and agreeable to the priviledges of Parliament, and being very deſirous to give ſatisfaction to all Men in all matters, that may ſeem to have relation to Priviledge, is pleaſed to wave his former proceedings; and all doubts by this means being ſettled, when the minds of Men are compoſed, His Majeſty will proceed thereupon in an unqueſtionable way, and aſſures his Parliament, that upon all occaſions he will be as careful of their Priviledges as of his Life or his Crown.*

Jan. the 17*th.*

A Declaration of the Houſe of Commons, touching a late Breach *of their* Priviledges, *and for the Vindication thereof, and of divers Members of the ſaid Houſe agreed upon at* Grocers hall, *but paſſed not the Houſe till* January *the* 17th.

WHereas the Chambers, Studies and Trunks of Mr. *Denzil Hollis*, Sir *Arthur Haſlerigg*, Mr. *John Pym*, Mr. *John Hampden*, and Mr. *William Strode* Eſquirs, Members

17 *Caroli.*

Members of the Houſe of Commons, upon *Monday* the 3*d.* of this inſtant *January*, by colour of His Majeſty's Warrant, have been ſealed up by Sir *William Killigrew* and Sir *William Fleming*, and others which is not only againſt the priviledge of Parliament, but the Common Liberty of every Subject; which ſaid Members afterwards the ſame day were under the like colour, by Serjeant *Francis*, one of his Majeſty's Serjeant at Arms, contrary to all former Precedents demanded of the *Speaker*, ſitting in the Houſe of Commons, to be delivered unto him, thathe might Arreſt them of High-Treaſon: And whereas afterwards, the next day his Majeſty in his Royal Perſon came to the ſaid Houſe, attended with a great multitude of Men, armed in warlike manner with Halberts, Swords and Piſtols, who came up to the very Door of the Houſe, and placed themſelves there, and in other places and paſſages near to the ſaid Houſe, to the great Terror and Diſturbance of the Members then ſitting, and according to their duty, in a peaceable and orderly manner, treating of the great Affairs of *England* and *Ireland*: And his Majeſty having placed himſelf in the Speaker's Chair, demanded of them the Perſons of the ſaid Members to be delivered unto him, which is a high Breach of the Rights and Priviledges of Parliament, and inconſiſtent with the Liberties and Freedom thereof. And whereas afterwards his Majeſty did iſſue forth ſeveral Warrants to divers Officers, under his own Hand, for the Apprehenſion of the Perſons of the ſaid Members which by Law he cannot do; there being not all this time any legal charge or accuſation, or due proceſs of Law iſſued againſt them, nor any pretence of charge made known to that Houſe, all which are againſt the Fundamental Liberties of the Subject, and the Rights of Parliament whereupon we are neceſſitated, according to our duty to declare, and we do hereby declare, that any Perſon that ſhall Arreſt Mr. *Hollis*, Sir *Arthur Haſlerig*, Mr. *Pym*, Mr. *Hampden*, and Mr. *Strode*, or any of them, or any other Members of Parliament by pretence, or colour of any Warrant iſſuing out from the King only, is guilty of the Breach of the Liberties of the Subject, and of the priviledges of Parliament, and a publick Enemy to the Common-wealth; and that the Arreſting of the, ſaid Members or any of them, or of any other Member of Parliament, by any Warrant whatſoever without a legal proceeding againſt them, and without conſent of that Houſe, whereof ſuch Perſon is a Member, is againſt the Liberty of the Subject, and a breach of priviledge of Parliament; and the Perſon which ſhall Arreſt any of theſe Perſons, or any other Members of the Parliament is declared a publick Enemy of the Common-wealth. Notwithſtanding all which we think fit farther to declare, that we are ſo far from any endeavour to protect any of our Members that ſhall be in due manner proſecuted according to the Laws of the Kingdom, and the rights and priviledges of Parliament for Treaſon, or any other Miſdemeanor, that none ſhall be more ready and willing then we our ſelves to bring them to a ſpeedy and due Tryal; being ſenſible, that it equally imports us, as well to ſee Juſtice done againſt them that are Criminal, as to defend the juſt Rights and Liberties of the Subjects and Parliament of *England*.

And whereas, upon ſeveral Examinations taken the 7*th.* day of this inſtant *January*, before the Committee appointed by the Houſe of Commons to ſit in *London*, it did fully appear, that many Soldiers, Papiſts and others, to the number of about five hundred, came with His Majeſty on *Tueſday* laſt to the ſaid Houſe of Commons, armed with Swords, Piſtols and other Weapons, and divers of them preſſed to the Door of the ſaid Houſe, thruſt away the Door-keepers, and placed themſelves between the ſaid Door, and the ordinary attendants of His Majeſty, holding up their Swords, and ſome holding up their Piſtols ready cock'd, near the ſaid Door, and ſaying *I am a good Markſman*; *I can hit right I warant you*, and they not ſuffering the ſaid Door, according to the cuſtom of Parliament to be *ſhut*, but ſaid, they would have the Door open, and if any oppoſition were againſt them, they made no queſtion but they ſhould make their party good, and that they would maintain their party; and when ſeveral Members of the Houſe of Commons were coming into the Houſe, their attendants deſiring that room might be made for them, ſome of the ſaid Soldiers anſwer'd, *a Pox of God confound them*, and others ſaid, *a Pox take the Houſe of Commons, let them come and be hang'd, what a do is here with the Houſe of Commons?* and ſome of the ſaid Souldiers did likewiſe violently aſſault, and by force diſarm ſome of the Attendants and Servants of the Members of the Houſe of Commons, *waiting in the Room next the ſaid Houſe, and upon the King's return out of*

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the ſaid Houſe, many of them by wicked Oaths, and otherwiſe, expreſſed much diſcontent, that ſome Members of the ſaid Houſe, for whom they came were not there, and others of them ſaid, when comes the word? and no word being given, at His Majeſty's coming out, they cry'd a Lane, a Lane: afterwards ſome of them being demanded, what they thought the ſaid Company intended to have done, anſwer'd; that queſtionleſs, in the Poſture they were ſet, if the word had been given, they ſhould have fallen upon the Houſe of Commons, and have cut all their Throats. Upon all which we are of opinion; that it is ſufficiently proved, that the coming of the ſaid Souldiers, Papiſts and others, with His Majeſty to the Houſe of Commons on *Tueſday* laſt, being the *4th.* of this inſtant *January*, in the manner aforeſaid, was to take away ſome of the Members of the ſaid Houſe; and if they ſhould have found oppoſition or denial, then to have fallen upon the ſaid Houſe in an hoſtile manner. And we do hereby declare, that the ſame was a traiterous Deſign againſt the King and Parliament. And whereas the ſaid Mr. *Hollis*, Sir *Arthur Haſlerig*, Mr. *Pym*, Mr. *Hampden* and Mr. *Sorode*, upon report of the coming of the ſaid Souldiers, Papiſts and others in the warlike and hoſtile manner aforeſaid did, with the Approbation of the Houſe, abſent themſelves from the Service of the Houſe, for avoiding the great and many inconveniences, which otherwiſe apparently might have hapned: ſince which time a printed Paper, in the Form of a Proclamation, bearing date the *6th.* day of this inſtant *January* hath iſſued out, for the Apprehending and Impriſoning of them; therein ſuggeſting, that through the Conſcience of their own Guilt, they were abſent and fled, not willing to ſubmit themſelves to Juſtice. We do farther declare, that the ſaid printed Paper is falſe, ſcandalous and illegal; and that, notwithſtanding the ſaid printed Paper, or any Warrant iſſued out, or any other matter yet appearing againſt them, or any of them, they may, and ought to attend the Service of the ſaid Houſe of Commons, and the ſeveral Committees now on foot. And that it is lawful for all perſons whatſoever to lodge, harbour or converſe with them, or any of them; and whoſoever ſhall be queſtion'd for the ſame, ſhall be under the protection and priviledge of Parliament.

And we do farther declare, That the publiſhing of ſeveral Articles, purporting a Form of a Charge of High-Treaſon againſt the Lord *Kimbolton*, one of the Members of the Lords Houſe, and againſt the ſaid Mr. *Hollis*, Sir *Arthur Haſlerig*, Mr. *Pym*, Mr. *Hampden*, and Mr. *Strode*, by Sir *William Killigrew*, Sir *William Fleming*, and others of the Inns of Court, and elſewhere in the King's Name, was a high Breach of the priviledge of Parliament, a great Scandal to His Majeſty and His Governmet, a ſeditious Act, manifeſtly tending to the Subverſion of the Peace of the Kingdom, and an injury and diſhonour to the ſaid Members, there being no legal charge or accuſation againſt them.

That the priviledges of Parliament, and the Liberties of the Subjects ſo violated and broken, cannot be fully and ſufficiently vindicated, unleſs His Majeſty will be graciouſly pleaſed to diſcover the Names of thoſe Perſons, who adviſed His Majeſty to iſſue out Warrants for the Sealing of the Chambers and Studies of the ſaid Members, to ſend a Serjeant at Arms to demand the ſaid Members, to iſſue out ſeveral Warrants under His Majeſty's own Hand, to apprehend the ſaid Members, His Majeſty's coming thither in his own Royal Perſon, the publiſhing of the ſaid Articles and printed Paper, in the Form of a Proclamation againſt the ſaid Members in ſuch manner as is before declared, to the end that ſuch Perſons may receive Condign puniſhment.

And this Houſe doth farther declare, That all ſuch Perſons as have given any Council, or endeavoured to ſet or maintain diviſion or diſlike between the King and Parliament, or have liſted their Names, or otherwiſe entred into any combinat'on or agreement to the aiding or aſſiſting to any ſuch Counſel or Endeavour, or have perſwaded any other ſo to do, or that ſhall do any the things above mentioned; and that ſhall not forthwith diſcover the ſame to either Houſe of Parliament, or the Speaker of either of the ſaid Houſes reſpectively, and diſclaim it, are declared publick Enemies of the State and Peace of this Kingdom, and ſhall be inquired of, and proceeded againſt accordingly.

Jan. the 12.

This day divers Knights, Gentlemen and Freeholders of the County of *Bucks*, to the number of about four thouſand (as they were computed,) came

came to *London*, riding every one with a printed Copy of the *Proteſtation* lately taken in his Hat; and preſented the following Petition to the Lords, and the like in effect to the Commons.

To the Right Honourable the Houſe of Peers now Aſſembled in Parliament.

The humble Petition of the Inhabitants of the County of *Bucks.*

Sheweth,

THAT whereas we hoped upon the happy Aſſembly of this preſent Parliament, we ſhould have had a ſpeedy Redreſs of thoſe Preſſures we have for many years been under, but have been hitherto in a great meaſure fruſtrated of our hopes by the ſtrong Counterworking of a malignant Faction, whereby the perfecting of Reformation is hindred, the Endeavours of the Houſe of Commons in great part ſucceſsleſs, our dangers grown upon us by reiterated Plots, Prieſts and other Delinquents unpuniſhed, to the encouragement of others; Ireland *loſt by protracted Counſels, while thouſands are there butchered by many cruelties; and to cut off all hopes of future Reformation, the very being of our Parliaments endangered by deſperate and unexampled breach of Priviledges, which by our Proteſtation lately taken, we are bound with our Lives and Eſtates to maintain; and in reſpect of that late attempt upon the honourable Houſe of Commons, we are now come to offer our ſervice to that end, and reſolved in their juſt defence to live and dye.*

And therefore humbly pray, That this moſt honourable Houſe will Co-operate with the Houſe of Commons, in moſt ſpeedy perfecting the moſt neceſſary work of Reformation; bringing to condign and exemplary puniſhment, both wicked Counſellors, and evil Ploters and Delinquents That Ireland *may have ſpeedy relief; the Priviledges of Parliament fortified againſt all future attempts; and the whole Kingdom put into a ſure and preſent poſture of Defence, That we may live both ſafe from all practiſes of the malignant Party at home, and the endeavours of any ill effected States abroad.*

And your Petitioners ſhall ever pray, *&c.*

They deſire directions how to deliver a Petition to his Majeſty.

The Petitioners received the Thanks of each Houſe, and acquainted the Houſe of Commons, That they had a Petition alſo to His Majeſty, and deſired the directions of that Houſe touching the beſt way of delivering it, who told them that they conceived if they ſelected *ſix or eight of their number to wait upon His Majeſty with it, that courſe would be moſt acceptable.* And accordingly they made choice of ſuch a number who repaired to the King at *Windſor*, and preſented the Petition following.

To the King's moſt Excellent Majeſty.

The humble Petition of the Inhabitants of the County of *Buckinghamſhire.*

Sheweth,

The Petition of *Buckinghamſhire* on behalf of Mr. *Hampden*, to the King at *Windſor* *January* the 13*th.*

THAT your Petitioners having by vertue of your Highneſſes Writ, choſen John Hampden *Knt. for our Shire, in whoſe Loyalty we his Country-men and Neighbours have ever had good cauſe to confide: However of late to our no leſs amazement than grief we find him with other Members of Parliament accuſed of Treaſon: And having taken into our ſerious conſideration the manner of their Impeachment, we cannot but (under your Majeſty's favour) conceive that it doth ſo oppugn the Rights of Parliament, to the maintainance whereof our Proteſtation binds us, That we believe it is the Malice which their Zeal to your Majeſty's ſervice and the State, hath contracted in the Enemies to your Majeſty, The Church and Common wealth, hath occaſioned this foul accuſation, rather than any deſerts of theirs; who do likewiſe through their ſides wound the Judg-*

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ment and Care of us your Petitioners and others by whoſe choice they were preſented to the Houſe.

Your Petitioners therefore moſt humbly pray, That Mr. Hampden, *and the reſt that lye under the burthen of that accuſation, may enjoy the juſt Priviledges of Parliament.*

And your Petitioners ſhall ever pray, *&c.*

Windſor, 13. Jan. 1641.

The King's Anſwer.

HIs Majeſty being graciouſly pleas'd to let all his Subjects underſtand his Care not knowingly to violate in the leaſt degree any of the Priviledges of Parliament, hath therefore (lately) by a Meſſage ſent by the Lord Keeper, ſignified, that he is pleaſed, becauſe of the doubt, that hath been raiſed of the manner, to wave his former proceedings, and the reſt mentioned in this Petition; concerning whom his Majeſty intends to proceed in an unqueſtionable way. And then his Majeſty ſaith it will appear, that he had ſo ſufficient grounds to queſtion them, as he might not in Juſtice to the Kingdome, and Honour to Himſelf, have forborn; And yet his Majeſty had much rather that the ſaid Perſons ſhould prove innocent, *than be found guilty: However he cannot conceive that their Crimes can in any ſort reflect upon thoſe his good Subjects, who elected them to ſerve in Parliament.*

King waves his accuſation of the five Members before the Lords, and will proſecute them at Common Law.

The King ſent this Addition to his former Meſſage to the two Houſes.

His Majeſty's profeſſion and addition to his laſt Meſſage touching the five Member *Jan.* the 14*th.* 1641.

HIs Majeſty being no leſs tender of the Priviledges of Parliament, and thinking himſelf no leſs concern'd, that they be not broken, and that they be aſſerted and vindicated whenſoever they are ſo, than the Parliament it ſelf, hath thought fit to add to his laſt Meſſage this Profeſſion. That in all his Proceedings againſt the L Kimbolton, *Mr.* Hollis, *Sir* Arthur Haſlerig *Mr.* Pym, *Mr.* Hampden, *and Mr.* Strode, *he had never the leaſt intention of violating the leaſt Priviledge of Parliament: And in caſe any doubt of Breach of Priviledges remains, will be willing to clear that, and aſſert thoſe by any reaſonable way that his Parliament ſhall adviſe him to; upon confidence of which, he no way doubts his Parliament will forthwith lay by all Jealouſies, and apply themſelves to the publick and preſſing Affairs, and eſpecially to thoſe of* Ireland, *wherein the good of this Kingdome and the true Religion (which ſhall ever be his Majeſties firſt care) are ſo highly and ſo nearly concerned. And his Majeſty aſſures himſelf, that his care of their Priviledges will encreaſe their tenderneſs of his lawful Prerogative, which are ſo neceſſary to the mutual defence of each other; and both which will be the foundation of a perpetual perfect intelligence between his Majeſty and Parliament, and of the happineſs and proſperity of his People.*

But notwithſtanding theſe Meſſages the Houſe of Commons were not ſatisfied, but reſolved to proceed againſt Sir *Edward Herbert* the Attorny General, and in order thereunto cauſed him to be examined before the Lords as follows:

The Queſtions propounded to Mr. Attorny General, *by the* Houſe of Commons, *and his Anſwers thereunto.*

The Attorny General's examination about the Articles againſt the five Members.

Queſtion I. *Whether did you contrive, frame, or adviſe the ſaid Articles, or any of them?*

Anſwer, I will deal ingenuouſly and freely, and ſhall ſay the ſame which before I did to your Lordſhips; I need no long time to anſwer this, I did none of theſe three, neither contrive, frame, nor adviſe theſe Articles, or any of them, and will be content to die if I did it.

Queſt.

17. Caroli

Queſt. II. *Whether do you know the Truth of the ſaid Articles or any of them in your own knowledge, or by information?*

Anſw. I do know nothing of my own knowledge of the truth of this, nor of any particular, nor have heard by information: This I ſpeak upon the truth of an honeſt man, and nothing was ever ſaid to me of this, but by my Maſter the King.

Queſt. III. *Whether will you undertake to make good the ſaid Articles, or any of them, when you ſhall be thereunto called by due courſe of Law?*

Anſw. By my former expreſſion you may diſcern what anſwer I can make to this; I cannot undertake to make one tittle good in them, otherwiſe than my *Maſter* ſhall command me and enable me, for of my ſelf I cannot nor will not, no more than one that never heard of them.

Queſt. IV. *From whom received you theſe Articles, and by whoſe direction and advice did you exhibit them?*

Anſw. It was by my *Maſter* the King his expreſs command I did exhibit them, from his hand I did receive them.

Queſt. V. *Whether had you any Teſtimony or proof of theſe Articles before the exhibiting of them?*

Anſw. For the exhibiting of theſe Articles I received his *Majeſties* command.

To which Anſwer Mr. Serjeant *Wild* replied, the Houſe of Commons deſires you to anſwer whether you had any proof or teſtimony, or any Information of any proof of theſe Articles, they in no kind deſired to know what you had. To this Mr. Attorny anſwered, *There is nothing in the world, but I ſhall be moſt ready to anſwer to, but this I deſire time to conſider of, in regard of a Truſt between Maſter and a Servant.*

Die Sab. 15. Jan. 1641.

Commons Vote, the Attorny to be Impeached.

IT is reſolved by the Houſe of Commons, ſince the ſaid Anſwer of Mr. Attorny General, That he hath broken the Priviledge of Parliament in preferring the ſaid Articles, and that the ſame is illegal, and he criminous for ſo doing: And that a Charge be ſent up to the Lords in the name of the Houſe of Commons, againſt Mr. Attorny General to have ſatisfaction for this great Scandal and Injury to the Members thereof, unleſs by Thurſday *next, he bring in his proof, and make good (if he can) the ſaid Articles againſt the ſaid Perſons, or any of them.*

The Impeachment of Sir Edward Herbert *Knight, the King's Attorney General.*

The Impeachment of the Attorny General.

THat the ſaid *Edward Herbert* Kt. his Majeſties Attorny General ſworn, did on the third day of *January* in the year of our Lord 1641. contrary to his Oath and the duty of his place, falſly, ſcandalouſly, and maliciouſly, adviſe, frame, and publiſh certain falſe ſcandalous Articles of High Treaſon againſt the Lord *Kimbolton*, one of the Members of the Houſe of Peers in Parliament, *Denzil Hollis* Eſq; Sir *Arthur Haſlerig* Bar. *John Pym*, *John Hampden* and *William Strode* Eſquires, being then and yet Members of the Houſe of Commons in Parliament, which Articles follow in theſe words,

1. *That they have traiterouſly endeavoured*, &c. (as before the ſaid Articles are ſet down,) and the ſaid Sir *Edward Herbert*, the ſaid 3*d.* day of *January* did falſly, unlawfully, and maliciouſly exhibite the ſaid Articles unto the Houſe of Peers in Parliament, and cauſed the ſame to be entered into the Clarks Book of the ſaid Houſe, intending and endeavouring thereby falſly, unlawfully, and maliciouſly to deprive the ſaid Houſes of their ſaid ſeveral Members, and to take away their Lives, Eſtates, and good Names. All which doings of the ſaid Attorney and every of them, were and are high Breaches of the priviledges o

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Parliament tending to Sedition, and to the utter Subverſion of the Fundamental Rights, and Being of Parliaments, the Liberty of the Subject, and to the great Scandal and Diſhonour of His Majeſty, *&c.*

For which high Crimes and Miſdemeanors the ſaid Commons, ſaving to themſelves the liberty of Exhibiting any further or other Impeachment or Accuſation againſt the ſaid Sir *Edward Herbert*, do impeach him, and do pray that he may be put to anſwer the Premiſes in the preſence of the Commons.

The Anſwer of Sir Edward Herbert *Knt. His Majeſty's Attorny General to the Impeachment Exhibited againſt him by the honourable Houſe of Commons in this preſent Parliament.*

The Attorny's Anſwer to the Impeachment.

THE ſaid Defendant ſaving to himſelf now and at all times hereafter, all juſt exception to the ſaid Impeachment, as the ſame is charged, for Anſwer, ſaith and acknowledgeth that he is, and the 3*d.* day of *January* laſt paſt, was His Majeſty's Attorney General ſworn: but whereas he is charged with the malicious, falſe and ſcandalous adviſing and contriving the Articles in the ſaid Impeachment mentioned, he ſaith, that he was and is ſo far from any malice, falſhood or ſcandal, in the adviſing and contriving of the ſame, or any of them, that he did not at all adviſe or contrive the ſaid Articles or any of them, nor ever knew or heard of them or any of them, until he received them from His Majeſty's Hands, the ſaid 3*d.* day of *January* laſt paſt, ready ingroſſed in Paper.

And as to that part of the ſaid Impeachment, which chargeth this Defendant with the Exhibiting of the ſaid Articles to this honourable Houſe, he ſaith, that upon the ſaid 3*d.* day of *January*, he repaired to His Majeſty by his comand, who then delivered unto this Defendant a Paper containing the Articles in the ſaid Impeachment mentioned, and did command him in His Majeſty's Name, to acquaint this honourable Houſe that divers great and treaſonable Deſigns and Practiſes againſt His Majeſty and the State, are come to His Majeſty's knowledge, for which His Majeſty commanded this Defendant in His Majeſty's Name, to accuſe ſix Members in the ſaid Paper mentioned, of High Treaſon, and other High Miſdemeanors, by delivering that Paper to your Lordſhips, and to deſire to have it read: and further to deſire in His Majeſty's Name, that a ſelect Committee of Lords might be appointed to take the Examinations of ſuch witneſſes as His Majeſty ſhould produce, as formerly had been done in caſes of like nature, according to the Juſtice of this Houſe, and that Committee to be under a command of *Secreſie*, as formerly; and further in His Majeſty's Name, to ask liberty to add and alter, if there ſhould be cauſe, according to juſtice: And likewiſe that your Lordſhips would take care of the ſecuring of the ſaid Perſons, as in Juſtice there ſhould be cauſe; and according to His Majeſty's ſaid command, this Defendant did come to this honourable Houſe, the ſaid 3*d.* day of *January*, and then after the Right Honourable *Edward* Lord *Littleton*, Lord Keeper of the Great Seal of *England*, had declared to this honourable Houſe, that he was commanded by His Majeſty to let your Lordſhips know that His Majeſty had given this Defendant command to acquaint your Lordſhips with ſome things from His Majeſty, this Defendant there upon the ſaid 3*d.* day of *Jan.* in this honourable Houſe before your Lordſhips then and there ſitting in Parliament, in obedience to his Majeſty's ſaid commands, as a Meſſage from him did declare the foreſaid commands of His Majeſty, by acquainting your Lordſhips that the King had commanded him to tell your Lordſhips, that divers great and treaſonable Deſigns and Practices againſt him and the State had come to His Majeſty's knowledge, for which the King had given his command to accuſe ſix Perſons of High Treaſon, and other High Miſdemeanors, by delivering theſe Articles: And that he was commanded to deſire your Lordſhips to have them read, which by your Lordſhips command, were accordingly read by the Clerk, and then further declared; that he was alſo commanded by His Majeſty, to deſire on His Majeſty's behalf, that a ſelect Committee might be appointed to take the Examination of ſuch witneſſes as the King would produce, as formerly had been done in caſes of like nature, according to the Juſtice of this Houſe: and this Committee to be under a command of ſecreſie, as formerly: and that he was commanded to ask liberty to add according to Juſtice: and that

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he was commanded to deſire that your Lordſhips would take care for the ſecuring of thoſe Perſons as in Juſtice there ſhould be cauſe: and ſaith, he did not conceive there could be any offence in what was ſo done by him in this honourable Houſe in obedience to thoſe His Majeſty's commands, being wholly thereby left to your Lordſhips Wiſdoms and Judgments, being His Majeſty's great Counſel and greateſt Court for Advice and Juſtice, and as touching the falſe, ſcandalous, and malicious adviſing, contriving or publiſhing the ſaid Articles, or any other Articles againſt the ſaid Perſons in the ſaid Papers mentioned, or any of them, or any breach of this Defendants Oath of Attorney General, and to the falſe, unlawful and malicious exhibiting the ſaid Articles into this honourable Houſe, or cauſing any entry thereof to be made, and the intent and endeavour falſly, unlawfully and maliciouſly to deprive this honourable Houſe, or the honourable Houſe of Commons, of any of the Members of the ſaid Houſes, or to take away any of their Lives, Eſtates, or good Names, and every Offence and Miſdemeanor charged by the ſaid Impeachment upon this Defendant, he ſaith, he is not guilty of them, or any of them, in ſuch manner and form as by the ſaid Impeachment is charged. All which matters and things this Defendant is, and will be ready to aver and prove in ſuch ſort, as to this honourable Houſe of Parliament ſhall ſeem meet.

Thomas Gardiner, *John Fountayne,* *Arthur Trevor.*

Petition that the King would ſpeedily proceed againſt the Members charged *Jan.* the 21*ſt.*

The 21. of *January* both Houſes petitioned his Majeſty, that they might be informed what proof there was againſt the Lord *Kimbolton* and the Five Members, that they might ſpeedily be proceeded againſt in a Parliamentary way, &c. To which his Majeſty returned this Anſwer.

His Majeſty's Letter in Anſwer thereunto *Jan.* the 24*th.*

His Majeſty having ſeen and conſidered the Petition preſented unto him the 21. *of this inſtant by the Earl of* Newport *and the Lord* Seymour, *in the names of both Houſes of Parliament, is pleaſed to return this Anſwer, That he doth well approve of the deſire of both Houſes for the ſpeedy proceeding againſt the perſons mentioned in the Petition, whereof his Majeſty finding the great inconveniencies by the firſt miſtake in the way, hath indured ſome delays, that he might be informed in what order to put the ſame; but before that that be agreed upon, his Majeſty thinks it unuſual or unfit to diſcover what proof is againſt them, and therefore holds it neceſſary, leaſt a new miſtake ſhould breed more delays, (which his Majeſty to his power will avoid) That it be reſolved whether his Majeſty be bound in reſpect of Priviledges, to proceed againſt them by Impeachment in Parliament; or whether he be at liberty to prefer an Indictment at the Common Law in the uſual way; or have his choice of either: Whereupon his Majeſty will give ſuch ſpeedy directions for proſecution, as ſhall ſhew his Majeſties deſire to ſatisfie both Houſes, and to put a determination to the buſineſs.*

To the Kings moſt Excellent Majeſty.

The humble Petition of the Lords and Commons now Aſſembled in Parliament,

Sheweth,

Another Petition of the Houſes touching the ſame buſineſs, *Feb.* the 2*d.* 1642.

That whereas your Majeſty by a Meſſage ſent to both Houſes of Parliament ſignified an apprehenſion of ſome treaſonable Matter to have been committed by the Lord Kimbolton, *Mr.* Hollis, *Sir* Arthur Haſilrig, *Mr.* Pym, *Mr.* Hampden, *and Mr.* Strode, *and thereby declared your Majeſties intentions to proceed againſt them in an unqueſtionable way; We the Lords and Commons in this preſent Parliament aſſembled, did make our humble Petition to your Majeſty, to give directions, that your Parliament might be informed before* Tueſday *then next enſuing, what proof there was againſt them, that accordingly there might be a Legal and Parliamentary proceeding againſt them, whereby they might be brought to condign puniſhment, if guilty; or diſcharged from ſo heavy an accuſation, if innocent. And whereas your Majeſty was graciouſly pleaſed in anſwer to that*

Petition

An. 1641.

Petition toexpreſs your good approbation of the deſire of both Houſes for the ſpeedy proceeding againſt the perſons in thatPetition mentioned: Yet your Majeſty gave no other ſatisfaction to their deſire than this, That your Majeſty held it neceſſary leſt a new miſtake ſhould breed more delays, that it ſhould be reſolved, whether your Majeſty were bound in reſpect of priviledges to proceed againſt them by Impeachment in Parliament, or be left at liberty to prefer an Indictment at the Common Law in the uſual way, or to have the choice of either. *And we finding ſtill that there is no Legal and Parliamentary proceedings againſt them, and that they ſtill lie under the burthen of that high Charge, we think it our Duty once again to beſeech your Majeſty to give directions, that your Parliament may be informed before* Friday *next, what proof there is againſt them, that accordingly they may be called to a Legal Trial, it being the undoubted Right and Priviledge of Parliament*; That no Member of Parliament can be proceeded againſt without the conſent of Parliament. *And this we moſt humbly conceive our ſelves obliged to ask, it being no leſs agreeable with Juſtice to have the innocency of Parties unjuſtly charged, manifeſted; than to bring the nocent to their juſt puniſhment.*

To this Petition his Majeſty returned this Anſwer.

Kings Anſwer.

THat as he once conceived, that he had ground enough to accuſe them, ſo now his Majeſty finds as good cauſe wholly to deſert any proſecution of them,

And offer of a General Pardon.

And for a further Teſtimony of his Majeſties real intention towards all his loving Subjects (ſome of whom happily may be involved in ſome unknowing and unwilling Errours) for the better compoſing and ſettling of all Fears and Jealouſies of what kind ſoever; his Majeſty is ready to grant as free and General a Pardon for the full contentment of all his loving Subjects, as ſhall by the Approbation of both Houſes of Parliament be thought convenient for that purpoſe.

But the Houſes not ſatisfied with this, addreſs another Petition to his Majeſty in theſe words,

To the King's moſt Excellent Majeſty.

The humble Petition of the Lords and Commons now Aſſembled in Parliament.

Sheweth,

Houſes Petition, that the Informers againſt the 5 Members may be diſcovered, *Feb.* 14.

THAT your Majeſty in Anſwer to their late Petition touching the Proceedings againſt the Lord Kimbolton, *Mr.* Hollis, *Sir* Arthur Haſlerig, *Mr.* Pym, *Mr.* Hampden *and Mr.* Strode *Members of the Parliament, was pleaſed to ſignifie, That as your Majeſty once conceived, that you had ground enough to accuſe them; ſo now your Majeſty finds as good cauſe wholly to deſert any further proſecution of them. Notwithſtanding which, they remain ſtill under that heavy charge ſo imputed unto them, to the exceeding prejudice not of themſelves, but alſo of the whole Parliament. And whereas by the expreſs Laws and Statutes of this your Realm, that is to ſay, by two Acts of Parliament. The one made in the* 37th. *and the other in the* 38th. *Year of the Reign of your moſt noble progenitor King* Edw. *the* 3d. *If any Perſon whatſoever make ſuggeſtion to the King himſelf of any Crime committed by another, the ſame Perſon ought to be ſent with the ſuggeſtion before the Chancellor or Keeper of the Great Seal, the Treaſurer, or the Great Counſel there to find* Surety *to purſue his ſuggeſtion; which if he cannot prove, he is to be Impriſoned till he hath ſatisfied the Party accuſed of his damages and ſlander, and made Fine and Ranſom to the King. The ſaid Lords and Commons therefore humbly beſeech your Majeſty, that not only in point of Juſtice to the ſaid Members in theſe particulars, but for the Vindication of the Rights and Priviledges of Parliament, your Majeſty will be pleaſed to ſend the Perſon or Perſons, that in this caſe made the Suggeſtions or Informations, to your Parliament, that ſo ſuch Fruits of the ſaid good Laws may be had as was intended by them, and the Rights and Priviledges of Parliament may be vindicated, which of Right and Juſtice ought not to be denied.*

What Anſwer His Majeſty was pleaſed to return to this Petition, or whether any, I do not find or remember. But ſome time after His Majeſty ſent this Letter touching the Attorney General.

Charles

17 Caroli.

The Kings Letter to the Lord Keeper concerning Sir *Edward Herberts* accuſing the Members, *Mar.* 4. 1641.

Charles Rex,

Right truſty and well beloved Counſellor, we greet you well, and have thought good hereby to certifie, That we did the 3d. *of* January *laſt, deliver to Our Attorny certain Articles of accuſation ingroſſed in Paper, a Copy whereof we have here ſent enclоſed; and did then command him in our Name, to acquaint our Houſe of Peers, that divers great and treaſonable Deſigns and Practiſes againſt Us and the State had come to our knowledge, for which we commanded him in our Name to accuſe the ſix Perſons in the ſaid Paper mentioned of High Treaſon and other High Miſdemeanors, by delivering the Paper to Our ſaid Houſe, and to deſire to have it read. And further to deſire in our Name, That a ſelect Committee of Lords might be appointed to take the Examinations of ſuch witneſſes as we would produce, and as had formerly been done in caſes of like nature, according to the Juſtice of the Houſe; and the Committee to be under a command of ſecreſie, as formerly; and further in Our Name to ask liberty to add and alter if there ſhould be cauſe. We do therefore declare, That our ſaid Attorny did not adviſe or contrive the ſaid Articles, nor had any thing to do with, or in adviſing any breach of Priviledge that followed after. And for what he did in obedience to Our commands, we conceive he was bound by Oath and the Duty of his place, and by the Truſt by Us repoſed in him, ſo to do: And had he refuſed to obey Us therein, we would have queſtioned him for breach of Oath, Duty and Truſt. But now having declared, That we find cauſe wholly to deſiſt from proceeding againſt the Perſons accuſed, we have commanded him to proceed no further therein, nor to produce nor diſcover any proof concerning the ſame.*

Given at *Royſton* the 4*th.* of *March* 1641.

This Sentence afterwards paſſed upon Sir *Edward Herbert* in the Lords Houſe for his accuſing the ſaid Members.

Sabbati 23. April 1642.

Sir *Edw. Herbert* Sentenced, *April* 23. 1642.

Whereas Sir Edward Herbert *Knt. His Majeſty's Attorny General hath been impeached by the Knights, Citizens and Burgeſſes of the Houſe of Commons, for the adviſing, contriving and publiſhing certain falſe, ſcandalous and malicious Articles of High-Treaſon againſt the Lord* Kimbolton, *one of the Members of the Houſe of Peers, Sir* Arthur Haſlerig *Knt.* Denzil Hollis *Eſq*; John Pym, John Hampden *and* William Strode Eſquires, *being then, and yet Members of the Houſe of Commons, and for cauſing Articles of High Treaſon to be entred into the Clerks Book of the ſaid Houſe of Peers, which was done againſt the Priviledges of Parliament, tending to the Subverſion of the Ancient Rights, and being of Parliaments, and againſt the Liberty of the Subject, and contrary to his Oath, and the Laws of this Realm.*

The Lords having taken the ſaid Charge into due conſideration, do find him guilty of the Exhibiting the ſaid Articles into the Houſe of Peers, *and cauſing the ſame to be entred into the Clerks Book of the ſaid Houſe, intending thereby falſly, unlawfully and maliciouſly to deprive the ſaid Houſes of the ſaid ſeveral Members, all which doings were and are high breaches of the Priviledges of Parliament, tending to the Subverſion of the Ancient Rights and Being of Parliaments, and contrary to the Liberty of the Subject, and are of great ſcandal of his Majeſty and his Government, and againſt the Laws of this Realm. For which Offences this high Court doth award and adjudge.*

1. *That Sir* Edward Herbert *His Majeſty's Attorny General, is by Sentence of this Houſe diſabled, and made uncapable of being a Member,*

Aſſiſtant

17 *Caroli.*

Aſſiſtant or Pleader in either Houſe of Parliament, and of all Offices, ſaving that of Attorny General, which he now holds.

2. *That Mr. Attorny General ſhall be forthwith committed to the Priſon of the* Fleet, *during the pleaſure of this Houſe.*

The end of the Second Chapter.

And thus reſted the buſineſs touching the ſaid Members, which gives an end to this Chapter.

We now return to ſome other Paſſages in the Month of *Jan.* 1642.

Jan. the 5*th.* Arms and Relief ordered for *Ireland.*

THE Committee for *Iriſh* Affairs having made a Report, the following Votes paſſed in the Houſe.

1. That all the Arms, Amnunition and Ordnance at *Carliſle* be ſent to *Carrickfergus* in *Ireland*, for the Supply of the *Northern* parts of that Kingdom: And for their further ſupply, and to Arm the two Regiments of the Lord *Conway* and Sir *John Clotworthy*; there ſhall be ſent from the *Tower* one thouſand Muſquets with Bullet and Match proportionable, one thouſand five hundred Swords, ten Laſts of Powder, to be diſpoſed of as the Lord Lieutenant ſhall think fit.

2. That there ſhall alſo be ſent out of the *Tower* to the Lord Preſident of *Munſter*, ten Laſts of Powder with Bullets and Match proportionable.

3. That 2000 *l.* be ordered tobe delivered to Sir *William Brereton* out of the Subſidies or Poll-money, to pay the three hundred Horſe now at *Cheſter*, and for their Tranſportation. And 3000 *l.* out of the ſaid Subſidy or Poll money in *Cheſhire* or *Wales*, for the preſent relief of *Dublin* and *Drogheda*, to be received by the Victualer; and two thouſand to be delivered here to the Victualer of *Carrickfergus.*

By the KING.

King's Proclamation for a general Monthly Faſt *Jan.* the 8*th.*

HIS Majeſty taking into his princely and pious conſideration, the lamentable and diſtreſſed Eſtate of his good Subjects in his Majeſty's Kingdom of *Ireland*, and conceiving it to be a juſt and great occaſion, calling upon him and his people of this his Kingdom of *England*, for a general Humiliation of all Eſtates of this Kingdom before Almighty God in Prayer and Faſting, for drawing down his Mercy and Bleſſing upon that Kingdom: His Majeſty doth therefore by his Proclamation ſtraitly charge and command, That a general, publick and ſolemn Faſt be kept and holden, as well by abſtinence from food, as by publick prayer, preaching and hearing of the word of God, and other ſacred Duties in all Cathedral, Collegiate, and Pariſh Churches and Chapels within this His Majeſty's Kingdom of *England* and Dominion of *Wales* (His Majeſty's Cities of *London* and *Weſtminſter*, only excepted, where it hath already been obſerved) on the 20*th.* day of this preſent Month of *January.*

And His Majeſty doth further by this his Proclamation ſtraitly charge and command, That a general, publick and ſolemn Faſt be kept and holden as well by abſtinence from Food, as by publick prayers, preaching and hearing of the word of God, and other ſacred Duties in all Cathedral, Collegiate, and Pariſh Churches and Chappels within this Kingdom of *England* and Dominion of *Wales* (without any exception) on the laſt *Wedneſday* of the Month of *February* next following the date hereof, and from thenceforth to continue on the laſt *Wedneſday* of every Month during the troubles of the ſaid Kingdom of *Ireland.* All which His Majeſty doth expreſly charge and command ſhall be reverently and devoutly performed by all his loving Subjects, as they tender the favour of Almighy God, and would avoid his juſt Indignation againſt this Land, and upon pain of ſuch puniſhments as His Majeſty can juſtly inflict upon all ſuch as ſhall contemn or neglect ſo religious a Work.

Given at Our Court at White-Hall *the* 8th. *of* January, *in the* 17th. *Year of our Reign.*

The

17 *Caroli.*

The Parliament ſent for Sir *John Byron* Lieutenant of the *Tower* (about this ſending forth Arms on the 4*th.* of *January* to *White-hall*) but he refuſed to come, telling the Meſſenger that he had an Order from the King not to ſtir out of the *Tower*, and ſent a Copy of the King's Warrant to that purpoſe, whereupon it was ordered that he ſhould again be ſent for to come at his peril, and then he came and gave an Account to the Lords what Arms and Ammunition he ſent, and afterwards to the Commons, firſt kneeling at the Bar of both Houſes for his contempt in not attending at the firſt Summons, and ſo he was diſmiſs'd.

Jan. the 12*th.* Lieutenant of the *Tower* ſent for.

The Lord Steward reported in the Houſe of Lords, the King's Anſwer to the deſire of both Houſes touching Guards, *viz.* That to ſecure their fears, His Majeſty will command the Lord Mayor to appoint two hundred men out of the Train-bands of the City (ſuch as he will be anſwerable for, to the King) to wait on the two Houſes under the Command of the Earl of *Lindſey*, as being moſt proper for him in reſpect of his Office of Lord Great *Chamberlain*, whereby he hath a particular charge of the Houſes of Parliament.

The King conſents to a Guard for the Parliament under the Earl of *Lindſey*.

It was this day ordered by the Commons, That two Companies of the Train'd-Bands of the City and Suburbs, ſhould every day attend upon the Houſe as a Guard under the command of Serjeant Major *Skippon*.

Commons Order, a Guard under Serjeant Major *Skippon*.

Information was given to the Houſe of Commons, That the Lord *Digby* with Colonel *Lunsford* and other disbanded Officers and Reformado's have with Troops of Horſe appeared in a warlike manner at *Kingſton* in *Surrey*, where the Magazine of Arms for that part of the County lies, to the terror of his Majeſty's Subjects, and that 'tis given out, They were to go to *Portſmouth*. A Committee was appointed to conſider of this information, who reported, *That there were about two hundred men there that are Officers, and that the Town is full of Horſes, that they have Piſtols, and carry themſelves in a diſorderly manner to the terror of the people: That my Lord* Digby *was there on Horſe back with Piſtols, that Colonel* Lunsford *and two others of that Name were there alſo, and that there was two Cart-loads of Ammunition going to them.* Whereupon there paſſed the next day the following Order,

Jan. the 12*th.* Lord *Digby* ſaid to be in Arms at *Kingſton*.

WHereas information hath been given to the Parliament, that the Lord *Digby* Son to the Earl of *Briſtol*, and Colonel *Lunsford* with others have gathered Troops of Horſe, and have appeared in a warlike manner, at *Kingſton* upon *Thames*, in the County of *Surrey*; where the Magazine of Arms for that part of the County lies, to the terror and affright of his Majeſty's good Subjects, and diſturbance of the publick Weal of the Kingdom. It is this day ordered by the Lords and Commons in Parliament, that the Sheriffs of the ſeveral Counties of *England* and *Wales*, calling to their aſſiſtance the Juſtices of the Peace, and the Train'd-Bands of thoſe ſeveral Counties, or ſo many of them as ſhall be neceſſary for the Service, ſhall ſuppreſs all unlawful Aſſemblies gathered together, to the diſturbance of the publick Peace of the Kingdom, in their ſeveral Counties reſpectively; and that they take care to ſecure the ſaid Counties and all the *Magazines* in them.

Ordered about the Lord *Digby* and Col. *Lunsfords* appearing in Arms at *Kingſton* upon *Thames*.

Ordered by the Lords in Parliament, That this Order be *Printed, and Publiſhed* in all the Market-Towns in this Kingdom.

John Browne, Cler. Parliament.

And particularly the Train'd-Bands of *Suſſex* and *Hampſhire* were ſent unto to ſuppreſs the ſaid Forces, and to prevent the carrying of Arms or Ammunition to *Portſmouth*. And an Order ſent from both Houſes to Colonel

Portſmouth.

An. 1641.

Colonel *Goring* the Governor of *Portſmouth*, requiring him, not to deliver up the Town, nor receive any Forces into it, but by his Majeſty's Authority ſignified by both Houſes of Parliament. Likewiſe the Lords were moved to make an Order, requiring the Lord *Digby* to give his attendance in the Houſe.

Sir *John Hotham* to be Governour of *Hull.*

The aforeſaid Debate about *Portſmouth*, gave occaſion to the Parliament to take in to their conſideration the ſecuring of the Town and Magazine at *Hull*; and thereupon the Commons ſent a Meſſage to the Lords by Sir *Phillip Stapleton*, That the Commons are informed, *There is at* Hull *a Magazine of Arms of the King's for ſixteen thouſand Men, with Ammunition proportionable; but in regard no great ſtrength is in the Town, and that the Country adjacent is full of Papiſts and Perſons ill-affected, They deſire their Lordſhips Concurrence in an Order, That ſome of the Train'd-Bands of* Yorkſhire *neareſt to the Town of* Hull, *ſhall be put into the ſaid Town of* Hull, *under the command of Sir* John Hotham *Knt. for ſecuring the King's Magazine there, and the Town; and the ſaid Sir* John *to command the ſaid Town and Forces; and that he, or whoever he ſhould appoint under him ſhall not deliver it up, or the Magazine or any part thereof, without the King's Authority ſignified by the Lords and Commons in Parliament*: To which their Lordſhips conſented.

Mr. *John Hotham* ſent down to *Hull.*

And to haſten this Order down to *Hull*, Mr. *John Hotham* (Sir *John*'s Son and a Member alſo of the Houſe of Commons) was ordered by the Houſe, to go immediately with the ſame; and Mr. *Hotham* then ſtanding up in the Gallery of the Houſe of Commons, thus expreſſed himſelf, Mr. *Speaker! fall back! fall edge, I will go down, and perform your commands.* (*See afterwards, the Chapter of* Hull.)

A Bill about Adjourning to any other place.

A Bill having been brought into the Houſe, declaring that the Lords and Commons may Adjourn themſelves to any place, and the ſame having paſſed the Commons, was this day tranſmitted to the Lords, where it paſſed alſo.

Jan. the 13*th.* A Guard ſet about the *Tower.*

An Order was made by both Houſes, That the Earl of *Newport* Maſter of the Ordnance, and the Lieutenant of the *Tower*, their Deputies, or Officers ſhall not ſuffer any Ordnance or Ammunition to be carried out of the *Tower*, without the King's Authority ſignified by both Houſes of Parliament; and that for the better ſafe-guard of the *Tower*, the Sheriffs of *London* and *Middleſex* ſhall appoint and ſet a ſufficient Guard both by Land and Water, about it, to be commanded by Serjeant Mayor *Skippon.*

Great Saddles ſeized.

One *Lee* a Water-man informed the Houſe of ſome great Saddles that were to be ſent to *Kingſton*; the Serjeant attending the Houſe, was ordered to ſeize them, who did ſeize the ſame accordingly.

The Royal Aſſent to Two Acts by Commiſſion. *Friday Jan.* the 14*th.* Ammunition for the Rebels in *Ireland* from *Dunkirk* to be ſtopt by the *Dutch.*

The Lord *Keeper* having been ordered to wait upon the King, and deſire his Royal Aſſent to three Bills which had paſs'd both Houſes, *viz.* one for preſſing of Mariners, another touching Captives in *Algeirs*, and the *third* touching the Houſes Adjourning to any other place at their pleaſure, did this day ſignifie His Majeſty's Anſwer, That he would paſs the two firſt by Commiſſion, but as to the laſt, becauſe neither he nor any of his Counſel have ſeen it, his Majeſty will take time to conſider of it; and accordingly on the 15*th* day, the two former Bills were paſſed by Commiſſion; directed to the Lord *Keeper*, *Littleton*, the Earl of *Lindſey*, and the Earl of *Cumberland.*

Information being given, That ſome Ships laden with Arms, Ammunition, and Proviſions for the relief and aſſiſtance of the Rebels in *Ireland*, were going from *Dankirk* and other Ports in *Ireland*; the Houſes ſent to the *Dutch* Ambaſſador, deſiring, that there might be preſent Order given

given to the States Ships that lye before *Dunkirk*, for the ſtaying of all ſuch Ships ſo laden, which the Ambaſſador promiſed ſhould be done accordingly. 17 *Caroli.*

Mr. *Bagſhaw* of *Windſor* informed the Houſe of Commons, That the laſt night as he went to *Windſor* (where the Court then was) he ſaw divers Troops of Horſe, and that there came a Waggon loaded with Ammunition thither, and another Waggon that went from thence to *Portſmouth*; and that he was informed, there were about four hundred Horſe in the Town, and about ſome forty Officers, which was communicated to the Lords, and an Order paſſed, That Serjeant Mayor *Skippon* take care, that ten Horſe-men be forthwith appointed to go as Scouts from time to time, to give intelligence if any Forces do approach near the City, and this Houſe will undertake to pay them; and alſo to take care for appointing of Boats and ſmall Veſſels to lye upon the River for the like Service; which ſhall likewiſe be ſatisfied by the Houſe. Mr. *Pierpoint*, Sir *Richard Care*, Mr. *Hollis*, Mr. *Sollicitor*, Mr. *Glyn*, Sir *Phillip Stapleton*, Sir *Henry Vane*, and Mr. *Chancellor* of the *Exchequer* are appointed a Committee, to conſider of ſome Heads for putting the Kingdom into a poſture of Defence.

Information of Troops and Ammunition at *Windſor*.

Scouts appointed.

The Commons having formerly deſired the Lords to joyn with them in a Petition, to the King for the removal of Sir *John Biron* lately appointed Lieutenant of the *Tower*, and the Lords declining it, did this day again renew their Motion to their Lordſhips, and offered theſe reaſons,

Saturday Jan. the 15*th.* Reaſons for removing Sir *John Biron* from the Lieutenancy of the *Tower*.

1. The Parliament cannot confide in Sir *John Byron*, becauſe he hath been diſobedient and refuſed to come upon the Summons of both Houſes.

2. The Citizens cannot confide in him, alleadging that he is a Stranger to them; and this diffidence cauſes Merchants to take away their Bullion out of the *Mint*; and a Ship being at preſent arrived richly laden with Bullion, the Owners for this reaſon forbear to bring it into the *Mint*.

3. Becauſe it much concerns the City, it being a great charge to maintain a Guard about the Tower; and therefore deſire their Lordſhips Concurrence in a Petition, that he may be removed, and Sir *John Conzers* recommended to His Majeſty for that place; but ſtill the Lords refuſed.

The twelve Biſhops impeached, were ſeverally brought to the Bar of the Lords Houſe and put in their Anſwers to the ſaid Impeachment, which they all did, in this form,

The Impeachment. Biſhops Plea.

I——*Biſhop of ſuch a place, ſaving to my ſelf all advantages of Exception to the inſufficiency of the ſaid Impeachment; for my ſelf, ſay, That I am not guilty of the Treaſon charged by the ſaid Impeachment in manner and form as the ſame is therein charged.*

Within few days after his Majeſty's abſence from *White Hall*, the Houſe of Lords was acquainted by the Earl of *Eſſex*, Lord *Chamberlain* of his Majeſty's Houſhold, that the King had laid his commands upon him and the Earl of *Holland*, *Groom of the Stool*, to attend his Majeſty at *Hampton Court*, concerning which they pray'd the pleaſure of the Houſe, being required by their Writs there to attend the Buſineſs of the Kingdom; the Houſe would not diſpenſe with their abſence, in reſpect of the many great and urgent Affairs depending; whereupon they excuſed themſelves to his Majeſty as well as they could, that in obedience to his Writ they were obliged to aſſiſt in Parliament, and that their attendance there about the high Affairs of the Realm, was truer ſervice to his Majeſty,

Jan. 1642. Earl of *Eſſex* and *Holland* ſent for by the King, but excuſe their going.

17 *Caroli.*

than any they would do him at *Hampton*. The King ſoon after ſent a Meſſenger to demand the *Staff* of the one, and the *Key* of the other (the Enſigns of their Offices) which they reſigned accordingly.

To the King's moſt Excellent Majeſty.

The humble Deſires of the Commiſſioners of his Majeſty's Kingdom of *Scotland*.

The Petition and Advice of the Commiſſioners of *Scotland* to the King by the way of Mediation, *Jan.* the 15*th.*

WE your Majeſty's humble and faithful Subjects, conſidering the mutual Relation betwixt your Majeſty's Kingdoms of *Scotland* and *England*, is ſuch, as they muſt ſtand or fall together, and the diſturbance of the one muſt needs diſquiet and diſtemper the peace of the other, as hath been often acknowledged by them both, and eſpecially in the late Treaty, which is ratified in Parliament, and confirmed by the publick Faith of the Eſtates of your Majeſty's ancient and native Kingdom of *Scotland*, ſo that they are bound to maintain the Peace and Liberties of one another being highly concerned therein, as the aſſured means of the ſafety and preſervation of their own; and finding our ſelves warranted and obliged by all means to labour to keep a right underſtanding between your Majeſty and your People, to confirm that brotherly affection betwixt the two Nations, to advance their unity by all ſuch ways as may tend to the glory of God, and peace of the Church and State of both Kingdoms, and to profer our ſervice for removing all jealouſies and miſtakes, which may ariſe betwixt your Majeſty and this Kingdom, and our beſt endeavours for the better Eſtabliſhment of the Affairs and quiet of the ſame, that both your Majeſty's Kingdoms of *Scotland* and *England* may be united in the enjoying of their Liberties, in Peace under your Majeſty's Scepter, which is the moſt aſſured Foundation of your Majeſty's Honour and Greatneſs, and of the ſecurity of your Royal Perſon Crown and Dignity. We have taken the boldneſs to aſſure your Majeſty, that we are heartily ſorry and grieved to behold theſe diſtractions which increaſe dayly betwixt your Majeſty and your People, and which we conceive are entertained by the wicked Plots and Practices of Papiſts, Prelates, and their Adherants, whoſe Aim in all theſe Troubles has not been only to prevent all further Reformation, but alſo to ſubvert the purity and truth of Religion within all your Majeſty's Kingdoms, for which end, their conſtant endeavours have been to ſtir up diviſions betwixt your Majeſty's People, by their queſtioning the Authority of Parliaments, the lawful Liberties of the Subjects and real weaking of your Majeſty's Power and Authority, nay, all upon the pretence of extending the ſame, whereof by God's providence being diſappointed in your Majeſty's Kingdom of *Scotland*, theſe have now converted their miſchievous Counſels, Conſpiracies and Attempts to produce theſe Diſtempers in your Majeſty's Kingdoms of *England* and *Ireland*. And therefore according to our duty to your Majeſty, to teſtifie our Brotherly affection to this Kingdom, and acquit our ſelves of the Truſt impoſed in us, we do make offer of our humble endeavours for compoſing of theſe differences, and to that purpoſe do beſeech your Majeſty in theſe extremities, to have recourſe to the ſound and faithful Advice of the honourable Houſes of Parliament, and to repoſe thereupon as the only aſſured and happy means to eſtabliſh the proſperity and quiet of this Kingdom, and in the depth of your Royal Wiſdom, to conſider and prevent theſe apprehenſions of fear, which may poſſeſs the Hearts of your Majeſty's Subjects in your other Kingdoms, if they ſhall conceive the Authority of Parliament, and the Rights and Liberties of the Subject to be here called in queſtion, and we are confident, that if your Majeſty ſhall be graciouſly pleaſed to take in good part, and give ear to theſe our humble and faithful deſires, that the ſucceſs of your Majeſty's Affairs howſoever perplexed, ſhall be happy to your Majeſty and joyful to all your People, over whom, that your Majeſty may long and proſperouſly Reign, is the fervent and conſtant prayer of us your Majeſty's faithful Subjects and Servants.

A Paper of the *Scotch* Commiſſioners to the Parliament, offering their mediation to the King, *Jan.* the 15*th.*

A Paper ſent from the Scotch *Commiſſioner, to both Houſes offering their mediation.*

OUR Treaty concerning the *Iriſh* Affairs, being ſo oft interrupted by the emergent Diſtractions, gives us occaſion to deſire your Lordſhips and thoſe noble

noble Gentlemen of the Houſe of Commons, for to preſent to the honourable Houſes of Parliament, that we having taken to our conſideration, the manifold Obligations of the Kingdom of *Scotland*, to our native and gracious Sovereign, his Perſon and Government, confirmed and multiplied by the great and recent Favours beſtowed by his Majeſty on that Kingdom, at his laſt being there, and ſettling the Troubles thereof; and conſidering the mutual Intereſt of the Kingdoms in the welfare and proſperity of each other, acknowledged and eſtabliſhed in the late *Treaty*, and finding our ſelves warranted and obliged by all means, to labour to keep a right underſtanding betwixt the King's Majeſty and his People, to confirm that Brotherly affection begun between the two Nations, to advance their unity by all ſuch ways as may tend to the glory of God, and peace of the Church and State of both Kingdoms; to render thanks to the Parliament of *England*, for their aſſiſtance given to the Kingdom of *Scotland*, in ſettling the late Troubles thereof, wherein next to the providence of God, and the King's Majeſty's Juſtice and Goodneſs, they do acknowledge themſelves moſt beholding to the Mediation and Brotherly kindneſs of the Kingdom of *England*, and profer our ſelves to interpoſe for removing all jealouſies and miſtakes which may ariſe betwixt the King's Majeſty and this Kingdom, and our beſt endeavours, for the better Eſtabliſhment of the affairs and quiet of the ſame. 17 *Caroli.*

We do therefore in the Name of the Parliament and Kingdom of *Scotland*, acknowledge our ſelves next to the providence of God and his Majeſty's Juſtice and Goodneſs, moſt beholding to the Mediation and Brotherly kindneſs of the Kingdom of *England* in many reſpects, eſpecially in condeſcending to the King's Majeſty's coming to *Scotland* in the midſt of their great affairs, whereof we have taſted the ſweet and comfortable Fruits, and do heartily wiſh the like happineſs to this Kingdom. And as we are heartily ſorry to find our hopes thereof deferred by the preſent diſtractions growing daily here, to a greater height, and out of ſenſe thereof, have taken the boldneſs to ſend our humble and faithful Advice to the King's moſt Excellent Majeſty, for remedying of the ſame to the juſt ſatisfaction of his People, ſo out of our duty to his Majeſty, and to teſtifie our Brotherly affection to this Kingdom, and acquit our ſelves of the Truſt impoſed upon us, we do moſt earneſtly beſeech the moſt honourable Houſes, in the depth of their Wiſdoms, to think timeouſly upon the faireſt and fitteſt ways of compoſing all preſent differences, to the glory of God, the good of the Church and State of both Kingdoms, and to His Majeſty's Honour and Contentment; wherein, if *our faithful endeavours* may be any way uſeful, we ſhall be moſt ready at all occaſions to contribute the ſame.

JACOB PRIMROSE.

An Order of the Kings, touching the aforeſaid Paper of the *Scots* to His Majeſty offering their Mediation *January* the 19*th.*

Charles Rex,

WE have thought fit to require you to repair to the Commiſſioners from our Parliament of Scotland, *and let them know, That we expected before they ſhould have intereſſed themſelves in any manner of way betwixt Us and our Parliament of* England, *they would (according to our deſire, expreſſed to them by Our Letter of the* 13th. *Inſtant) have acquainted us with their Reſolution in Private; and that for the time coming, we are very confident (out of the reſpect due to us from them, and their earneſt deſires to ſhun miſtakes and diſputes) they will no way engage themſelves in theſe preſent differences, without firſt they communicate their Intentions with us in private, whereby all Jealouſies and Suſpitions may be removed, and they better enabled to do us Sevince.*

Given at our Honour of *Windſor*, the 19*th.* of *January*, 1641.

A Letter of the King's, to the Chancellor of *Scotland*, complaining of the Commiſſioners for the ſaid Paper, Jan. 26.

Directed to our Right Truſty and Right well beloved Couſin and Counſellor, the Earl of *Lanerick*, Our Secretary for *Scotland.*

RIght truſty and right well beloved Couſin and Counſellor! we greet you well. As it hath been always our Care and Study to have a right

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And now we are confident, we ſhall not need to remember you of theſe dutiful expreſſions of reſpect and fidelity you made to us at our late being in Scotland, *for the ſame which produced thoſe expreſſions, will induce you to make them good by your actions. We remember well, you expreſſed your readineſs both Life and Fortune for the maintenance of our temporal power, and even in matters Eccleſiaſtical, though you wiſhed uniformity therein betwixt the two Nations, yet you would not intereſt your ſelves in theſe differences further then ſhould be with our knowledge and good liking; we wiſh our Commiſſioners of* Scotland *had taken that Courſe and not medled, nor offered to mediate betwixt us and this Parliament, before they had firſt made their Intentions known to us in private, according to our expreſs deſire, nor made their private advice publickly known unto both Houſes which is now in Print, we did conceive the intention of the Commiſſion granted to them by us in Parliament, was for finiſhing the remainder of the Treaty, for ſettling of Trade and Commerce, and keeping a right underſtanding between the two Nations, not betwixt us and our Parliament here. it is true, they were to receive their particular Inſtructions from the Counſel, which we believe to have been limitted to thoſe Generals, which certainly never could have reached this particular, but in ſo far as we ſhall firſt know and approve of it, which truely we conceive to be the only means to ſhun thoſe ſuſpitions and jealouſies that might breed any interruption of that happy underſtanding that is now eſtabliſhed, betwixt us and our native Kingdom: Herein we expect your beſt endeavours as a real Teſtimony of your affection to our ſervice. we do likewiſe think fit that a double of all ſuch inſtructions as have already been given, or ſhall hereafter be given to the Commiſſioners, be ſent unto us, which will exceedingly conduce to the ſhunning of unneceſſary miſtakings: And in caſe there come any diſpute betwixt us and our Parliament here, about the nomination of Officers and Counſellors. We hope you will remember upon what Grounds we were induced to yeild in this particular to the deſires of our Subjects in* Scotland, *it being our neceſſary*

abſence

17 Caroli.

absence from that our native Country, and you in private did often promise upon occasion, to declare that this Kingdom ought not to urge it, as a precedent for the like to them, the reasons not being the same, therefore now you are to think upon the most convenient way to make good that promise, and labour to prevent so great an inconvenience unto us, which we expect from you as one of the most acceptable services can be done unto us.

Postscript with His Majesty's own Hand.

I have commanded this my Servant Mungo Murray *to tell you some things which I think not fit to write, therefore desiring you to trust what he will say to you from me, I will now only add that your affections rightly expressed to me (at this time) will do me an unspeakable Service, to the effecting of which I expect much from your particular affection and dexterity.*

Windsor *the* 26th. January 1641. Charles Rex.

Sir *Phillip Stapleton* was this day ordered to return thanks to the *Scots* Commissioners for their Paper, wherein they give advise to the King to comply with his Parliament; and to assure them, That the Parliament is much satisfied with that large Testimony of Fidelity in them to the King, and Affection to this State; and do hereby declare, That what they have done is very acceptable to this House, and that they will continue their care and endeavours to remove the present distractions, as also to confirm and preserve the Union between the two Nations.

The Parliament returns the *Scots* Commissioners Thanks for their offer of mediation *Jan.* the 16th.

The *Scots* Commissioners Proposition the 24th of *Jan.* 1641.

Touching the sending of the two thousand five hundred Men into Ireland.

Concerning the Proposition made to us the 22d. of *January*, from the Committees of both Houses, for the Transporting presently into *Ireland* of the two thousand five hundred Men now on Foot in *Scotland*. We having no instruction for that end, cannot by our selves condescend otherwise, then upon the closure of the Treaty; but shall most heartily represent it to the Counsel of *Scotland*, and second the same with our earnest Desires, that every thing may be done, which may contribute to the preservation of that Kingdom, and may testifie our Brotherly affection to this, and that we may be the more able to move the Council to condescend to the same, we desire the Propositions following to be granted,

Jan. the 24th. *Scots* Propositions touching sending Forces into *Ireland*.

1. That Provision of Victuals be presently sent to *Carrickfergus*, to be sold to our Souldiers, at reasonable Rates answerable to their pay.

2. That an Order be set down how they shall be paid there, and from whom they may require the same.

3. That they have the command and keeping of the Town and Castle of *Carrickfergus*, with power to them to remain still within the same, or to enlarge their quarters, and to go abroad in the Country, upon such occasions as their Officers in their discretion shall think expedient for the good of that Kingdom. And if it shall be thought fit that any Regiments or Troops in that Province shall joyn with them, that they receive Orders from the Commanders of our Forces.

4. That Provision of Match, Powder and Ball be presently sent to *Carrickfergus*, and what Arms, Ammunition, or Artillery shall be sent over with them from *Scotland*, that the like quantity be sent from hence to *Scotland*, whensoever the same shall be demanded.

5. That a part of the 30000 *l.* of Brotherly assistance be presently advanced to us, which although in a just proportion to these Men, it will amount but to 7500 *l.* yet for the better furthering the Service, we desire 10000 *l.* if it may stand with your convenience.

6. That

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6. That their pay which was condeſcended unto from the 8*th.* of *December*, be preſently advanced to the 8*th.* of *February* next, againſt which time we are confident they ſhall be ready to march.

7. That a Man of War or ſome Merchants Ships, be ſent from *Briſtol*, *Weſtcheſter* or *Dublin*, to *Lochryan*, for a ſafe Convoy and Guard of the Paſſage, becauſe they being in open Boats, may be ſubject to inconveniencies from the Enemy, whoſe Fregats we hear are towards the Coaſt.

8. That the ſending over of theſe Men be without prejudice to the Proceedings of the Treaty, which we deſire may go on without any delay.

Weſtminſter the 24*th.* *January* 1641. *Jacob Prymroſe.*

Reſolved, That the Houſe of Commons doth agree unto theſe particular Propoſitions now preſented from the *Scots* Commiſſioners.

Ordered, That the Houſe of Peers agreeth with the Houſe of Commons unto theſe Propoſitions.

His Majeſty's Anſwer to the Propoſitions above mentioned, given the 26th. *of* January 1641. *at* Windſor.

King's Anſwer to theſe Propoſitions.

HIS Majeſty having peruſed and conſidered theſe eight Propoſitions preſented by the *Scots* Commiſſioners, doth willingly conſent to them all except only the Third, which His Majeſty doth not approve and wiſheth the Houſes to take that Article again into conſideration as a buſineſs of very great Importance, which His Majeſty doubts may be prejudicial to the Crown of *England*, and the Service intended; and if the Houſe deſire it, His Majeſty ſhall not be unwilling to ſpeak with the *Scots* Commiſſioners, to ſee what ſatisfaction he can give them therein.

The Commons were diſatisfied that His Majeſty refuſed his Conſent to the ſaid Third Article, and Voted, That thoſe that adviſed his Majeſty thereunto, were Enemies to the King and Kingdom. But the next day his Majeſty ſent a ſatisfactory Anſwer thereunto as followeth,

His Majeſty's further Anſwer to the Third Article of the ſaid Propoſition of the Scots *Commiſſioners, reſolved on the* 26th. *and given the* 27th. *of* January 1641. *at* Windſor.

AFter that his Majeſty had (yeſterday) ſent his Opinion concerning the Articles which the *Scots* Commiſſioners gave in, touching the preſent Supplies to be ſent for *Ireland*, they themſelves waited on him, their chief Errand being the ſelf ſame Buſineſs; whereupon his Majeſty thought fit to perſwade them (as much as he could) to alter the Third Article, becauſe he conceived it might be a prejudice to the Crown of *England*, the particulars whereof were too long to relate: their only Argument, that weighed with him, being that (ſince it was agreed upon by both Houſes of Parliament, and that the ſtrength of his Majeſty's Argument was, that Article imployed too great a Truſt for Auxiliary Forces) they were in good hope, that his Majeſty being their native King, would not ſhew leſs truſt in them, then their Neighbour Nation. So that the Queſtion being (meerly) of truſt, and that both Houſes of Parliament have thought fit to grant it (though his Majeſty could wiſh that the Third Article were drawn more for the advantages of the Crown of *England* then he conceives it is) his Majeſty cannot but wholly admit of the Advice of his Parliament in this particular, eſpecially ſince his Majeſty perceives that inſiſting upon the ſame, would breed a great delay in the neceſſary Supply of his Kingdom of *Ireland*.

Jan. the 26*th.* Vice-Admiral *Pennington* examined about Tranſporting Lord *Digby*.

Sir *William Lewis* reported from the Committee appointed to examine Sir *John Penington*, that he doth acknowledge the Lord *Digby* came to him the firſt time, on the 16*th.* of *January* to *Deal*, and dined with him on Board of one of the King's Ships, and ſaid he was by the King's command to go beyond Seas, and had his Majeſty's *Warrant* for it, and went Aboard of one of the *Whelps* (a ſmall Veſſel ſo called) and under Sail, but having received Letters

Aboard

a board the Whelp, he came to Sir *John* again, and ſaid he had received directions to return, ſo he gave Sir *John Penington* thanks, and went from thence to *Canterbury*, and was there ſtaid by the Mayor, *but diſcharged* upon his proteſtation to go to the Parliament, or the Court; and ſo went toward *London*, but when he was beyond *Canterbury*, he returned a private way and *came back to Deal*, and ſo again Aboard the King's Ship, ſaying *he had received Orders to be gone*, Sir *John Penington* being then in Bed, he *produced His Majeſty's Warrant* Signed with His Majeſty's own Hand, *January* the 13*th.* at *Windſor*, commanding Sir *John* to tranſport the Lord *Digby* to any place beyond the Seas, either in *France* or *Holland*.

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After this Report, Sir *John Penington* was called into the Houſe, and the Houſe told him they had a good Opinion of him, and ſo was diſmiſſed.

Die Sabbathi 29. *January.*

WHereas great numbers of Papiſts both *Engliſh* and *Iriſh*, ſome whereof have been, and are Commanders in the Wars; and others ſuch as have Eſtates in *England*, have gone out of this Kingdom into *Ireland*, immediately before and during the barbarous and bloody Rebellion there, and traiterouſly joined themſelves with the Rebels of that Nation, againſt his Majeſty and the Crown of *England*. And likewiſe divers other Popiſh Commanders, and ſuch as have Eſtates in *England*, are daily preparing to go thither to the ſame wicked ends; and great ſtore of Arms, Ammunition, Money, Corn, and other Victuals and Proviſions have been ſent, and are daily preparing to be ſent to that Kingdom, for the aſſiſtance and encouragement of thoſe Rebels: For prevention whereof the Lords and Commons in this preſent Parliament aſſembled, do hereby order and ſtraitly charge and command all Sheriffs, Juſtices of the Peace, Mayors, Bayliffs, Conſtables and all other his Majeſty's Officers within the Realm of *England* and Dominion of *Wales*, That they apprehend and examine all ſuch Perſons as they ſhall ſuſpect to be Papiſts, and going out of this Kingdom or the Dominion of *Wales*, into *Ireland*; and that they make alſo ſtay of all Arms, Munition, Money, Corn, and other Victuals and Proviſions which they ſhall ſuſpect to be preparing for tranſportation into *Ireland*, for the Aid and Relief of the Rebels there: And to give ſpeedy notice thereof unto the Parliament.

Parliaments Order the 29*th.* of *Jan.* 1641. to reſtrain Popiſh Commanders from going into *Ireland*, and conveying of Ammunition, Arms, Monies, *&c.* to the Rebels.

And whereas alſo divers poor People, Men, Women, and Children of the *Iriſh* Nation and Papiſts, have lately come in great numbers out of *Ireland* into *Cornwal*, *Devon*, and other parts of this Kingdom, where they have been and are very diſorderly, and much terrifie the Inhabitants where they come, and due care is not taken in all places for the ſuppreſſing and puniſhing of them. The Lords and Commons in this Parliament aſſembled, do hereby further order and require all Officers before mentioned, That they put the Laws in due execution againſt ſuch wandring *Iriſh* Papiſts before expreſſed, and that they cauſe them to be forthwith conveyed back into that Kingdom.

CHAP. III.

Concerning Paſſes into Ireland.

ABout this time began the occaſion of a Controverſie between the King and Houſe of Commons, about their aſperſing him, as granting *Licenſes* to Papiſts to paſs into *Ireland*. The Original Ground of which, and the Meſſages on each ſide concerning it, take here altogether as followeth,

At a Conference betwixt both Houſes *January* the 25*th.* 1641. concerning divers Petitions preſented to the Houſe of Commons, Mr. *Pym* appointed to manage that Conference, ſpake as followeth,

My Lords,

I Am commanded by the *Knight*, *Citizens*, and *Burgeſſes* aſſembled for the *Commons in Parliament*, to preſent to your *Lordſhips* divers *Petitions*, which they have received from ſeveral parts concerning the *State* of the *Kingdom*: whereunto they are chiefly moved by that *conſtant affection*, which they have always

Mr. *Pym's* Speech at a Conference, *Jan.* the 25*th.*

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alwayes expreſt, of maintaining a firm *union* and good *correſpondance* with your *Lordſhips*; wherein they have ever found much *advantage*, and *contentment*; but never held it more important and neceſſary, then at this time, wherein the *Wiſdom* and *Reſolution* of *Parliament*, have as many great *Dangers* and *Difficulties* to paſſe through, as ever heretofore.

We are *united* in the publique truſt, which is derived from the *Common wealth* in the Common *Dutie* and *Obligation* whereby God doth bind us to the diſcharge of that truſt: and the *Commons* deſire to impart to your *Lordſhips* whatſoever *Information* or *Intelligence*, whatſoever *Incouragement* or *Aſſiſtance* they have received from thoſe ſeveral *Countries*, which they repreſent; that ſo likewiſe we may be *united* in the ſame *Intentions* and *Endeavours* of improving all to the ſervice of his *Majeſty*, and the common good of the *Kingdom*.

The *Petitions* which I am directed to *communicate* to your *Lordſhips*, are four: from *London*, *Middleſex*, *Eſſex* and *Hertfordſhire*. We have received many more, but it would take up too much time, and be too great a trouble to peruſe all; and, in theſe four, you may perceive the *Effect* and *Senſe* of all: Firſt, I am to deſire your *Lordſhips* to hear them read, and then I ſhall purſue my *Inſtructions* in propounding ſome *Obſervations* out of them.

To the Honourable the Knights, Citizens and Burgeſſes, of the Houſe of Commons aſſembled in Parliament.

The City Petition *January* 24.

The Humble Petition and Anſwer of the Major, Aldermen, and the reſt of the Common Councel of the City of London.

Sheweth,

THat *the Committee of this Honourable Houſe upon Saturday the* 22. *of this inſtant January, ſent a Meſſage to the Petitioners for the loane of* one hundred thouſand pound, *or of ſo much thereof as could conveniently be forthwith raiſed, for levying of forces to ſuppreſs the Rebels in* Ireland; *To which Meſſage ſomthing was then anſwered, and a further anſwer in writing promiſed.*

In performance whereof they humbly preſent the Anſwer following, together with the Reaſons thereof, deſiring that the ſame (being the beſt that for the preſent they are able to give) may favourably be accepted.

And they ſhall ever pray, *&c.*

Their Anſwer touching lending 100000 *l.*

THe Petitioners are duely and deeply ſenſible of the great miſeries of their Brethren in *Ireland*, and of the imminent danger, not onely of the total loſſe of that Kingdom, but of the ruine of this alſo, if that of *Ireland* ſhould (which God forbid) be loſt. And as they have hitherto ſhewed themſelves ready, even beyond their abilities to ſerve the King and *Parliament*; ſo ſhall they ever continue to the utmoſt of their power, with all chearfulneſs and duty But at the preſent they are compelled to repeat their former *Anſwer*; That they *have no power to raiſe any Sums by way of Tax for any Foreign uſe*; and do further anſwer that they have no meanes to do it, otherwiſe then by the immediate perſonal Conſent of every particular Lender, which they *cannot hope to obtaine in regard of theſe obſtructions* following: Which the Petitioners humbly preſent, together with this their further Anſwer, as the Reaſons thereof.

Obſtructions that hinder the Lano.

1. That immediately before the *Parliament*, and ſithence divers great Sums for the ſervice of the King and Kingdom have been already lent by the Citizens of *London*, beſides 50000. *l.* for the ſupply of *Ireland*, in particular; a great part whereof ſome of the Lenders were compelled to borrow, and cannot to this day repay.

2. That ſuch part of thoſe Monies as are already due to the Citizens from the *Parliament*, and ſhould have been repaid out of the *Poll-Money* and *Subſidies*, is not yet done, becauſe there is not any conſiderable ſum come in from the Countrey as was expected to ſatisfie the ſame.

3. That the ſaid 50000 *l.* lent for *Ireland* was haſtened and ſpeedily paid within near about 2000. *l.* upon this ground then urged by the *Parliament*; that

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if it were forthwith lent, it might be of more uſe to preſerve that Kingdom then the loan of 200000. *l.* could be, if deferred but ſix Weeks; yet no conſiderable Forces are ſent thither to this day. And we find that Men will not be willing to lend any thing till they be aſſured that a good ſtrength be ſent thither with full Commiſſion to relieve *London Derry* and other parts of that Kingdom. *An.* 1641.

4. The general withholding of very great Sums of Money from the Petitioners, and many others, which Moneys have been long due, not only from *Chapmen* and other debtors in *England*; but from very many in *Ireland* (who owe many hundred Thouſands of pounds to the Citizens of *London*) doth render divers perſons of good Eſtates and credit, hardly able to go on with Trade, or to pay their debts and maintain their Charge.

5. The Brotherly offers of *Scotland* to ſend 10000 Men into *Ireland*, not yet ſo accepted as to produce any relief to that bleeding Kingdom, while yet our Brethren are dayly Maſſacred there, diſcourageth moſt Men from lending any Money, were they never ſo able.

6. The not paſſing the *Bill for Preſſing of Soldiers* here, whereby ſuch forces as are requiſite might be timely ſent from hence into *Ireland*, puts many Men into fears, that there may be ſome deſign rather to loſe that Kingdom, and to conſume this in the loſing of *Ireland*, than to preſerve either the one or the other; for that it cannot be conceived, that the Rebels (being grown ſo powerful) will be ſuppreſſed by voluntiers.

7. The ſlow iſſuing of Commiſſions to thoſe who being in *Ireland*, or going thither are willing to enter the Field againſt the Rebels, diſables them from doing any effectual execution upon the enemy, unleſs in their own defence; and ſo all the Monies that have been or may be ſent thither, are exhauſted to maintain our Forces to do little or nothing worthy of them, rather then imployed to chaſtiſe the Rebels, and to reduce them to obedience, by means whereof the number and power of the Rebels are greatly encreaſed, divers Caſtles and Towns are by them taken, much Proteſtant Blood is daily ſpilt, many thouſand Families deſtroyed, the malignant part of Papiſts and their adherents here are encouraged, and thoſe Rebels ſo much imboldened, that they boaſt, they will extirpate the *Britiſh* Nation there, and then make *England* the ſeat of War.

8. The not diſarming of Papiſts here in *England*, after many diſcoveries of their treacheries, and bloody deſignes upon the Parliament and Kingdom, the great decays of Fortifications, Block-houſes and other Sea-forts, the not managing of them, nor furniſhing them with Ordnance and Ammunition, the not placing all of them in ſuch hands in whom the Parliament may confide, and the not ſettling this Kingdom in a poſture of Defence, in times of ſo many fears and jealouſies of Foreign Invaſions and inteſtine Conſpiracies, the not removing the preſent Lieutenant of the *Tower*, and putting ſuch a *Perſon* into that place, as may be well approved of by the Parliament, notwithſtanding the earneſt Petitions exhibited to this Honorable Houſe for that purpoſe, which hath produced a forbearance to bring *Bullion* into the *Tower* in this time of ſcarcity of Monies; all which cannot but overthrow trading more and more, and make Monies yet more ſcarce in the City and Kingdom.

9. The Kings Ships which ought to be a Wall of defence to this Kingdom, and a Convoy to the Merchants (for which Tonnage and Poundage was granted) are not fitted and imployed, as the preſent Condition of this Kingdom and *Ireland* requires, but ſome of them for the conveying away of Delinquents, who durſt not abide the Teſt of the Parliament, to the great encouragement of the reſt of the malignant Party here, who when their deſigns and themſelves be detected, know how to eſcape the hand of Juſtice through the abuſe of a Royal conduct.

10. The not queſtioning thoſe many thouſands of unknown perſons, who are ſheltered in *Covent garden*, and thereabouts, which do not imploy themſelves in any lawful calling, and it's very probable, lye in a readineſs to adventure upon ſome deſperate attempt, to the endangering of the Welfare, Peace and Safety of the King's Majeſty, Parliament and City.

11. The miſunderſtanding between the King and the Parliament, the not vindicating the Priviledges of Parliament, the not ſuppreſſing of Protections, the not puniſhing of Delinquents, and the not executing of all Prieſts and Jeſuits, legally condemned, while others contrary to Priviledge of Parliament have

An. 1641. been illegally (as the Petitioners conceive) charged with Treaſon, to the deterring of worthy Members from diſcharging their duties, and to the deſtroying of the very being of Parliaments, do exceedingly fill the mindes of Men well affected to the publick, with many fears and diſcouragements throughout the Kingdom, and ſo diſables them from that cheerful aſſiſtance which they would be glad to afford.

12. By meanes of the Premiſſes there is ſuch decay of trading, and ſuch ſcarcity of Money (neither of which can be cured, till the former Evils be removed) as it is likely in very ſhort time, to caſt innumerable multitudes of poor Artificers into ſuch a depth of poverty and extremity, as may enforce them upon ſome dangerous and deſperate attempts, not fit to be expreſſed, much leſs to be juſtified: which they leave to the wiſdom of this Houſe ſpeedily to conſider and prevent.

THeſe are the Evils under which the Petitioners do exceedingly labour and languiſh, which they humbly conceive to have ſprung from the imploying of ill affected Perſons in places of Truſt and Honour in the State, and near to the ſacred Perſon of His Majeſty; and that theſe Evils are ſtill continued by means of the Votes of Biſhops and Popiſh Lords in the Houſe of Peers.

And now, that the Petitioners have faithfully repreſented the true Reaſons which do really enforce them to return this Anſwer, moſt of which have been formerly offered to this Honourable Houſe in ſundry Petitions; and that they have done all that in them lies (even beyond all preſident) to ſerve the King, Parliament and Kingdom; They humbly crave leave to proteſt before God and the High Court of Parliament, that if any further miſeries befall their dear Brethren in Ireland, *or if any miſchief ſhall break in upon this Kingdom, to the endangering or diſturbing thereof, it ought not to be imputed to the Petitioners, but only to ſuch as ſhall endeavour to hinder the effectual and ſpeedy cure of the evils before recited, that ſo much diſable and diſcourage the Petitioners from doing that which by this Honourable Houſe is deſired of them.*

To the Honourable the Knights, Citizens and Burgeſſes of the Houſe of Commons in the High Court of Parliament.

The Eſſex Petition.

The Humble Petition of the Knights, Gentlemen, Miniſters, and other Inhabitants of the County of Eſſex.

Sheweth,

TO this Honourable Houſe, that we are truly ſenſible of your great care and extraordinary endeavours to ſettle our Religion and peace, and daily bleſs God Almighty, and the Kings Majeſty, the Peers, and this Honourable Aſſembly for the ſame. And we do further in all humility repreſent to your Honourable conſideration, that notwithſtanding your abundant care and induſtry, we do ſtill apprehend a great ſtop of Reformation in matters of Religion, *and our ſelves together with you, and the whole Kingdom to be in great danger from the Papiſts, and other ill affected perſons, who are every where very inſolent, and ready to act the parts of thoſe ſavage Blood ſuckers in* Ireland, *if they be not ſpeedily prevented; by means whereof our Tradings, eſpecially of clothing and farming, grow apace to ſo great a damp, as many thouſand are like to come to ſudden want: Nor can we expect any redreſs thereof, unleſs the Biſhops and Popiſh Lords be removed out of the Houſe of Peers.*

Therefore we Humbly pray, that you would earneſtly mediate with *His Majeſty and the Houſe of Peers*, that our *Brethren in* Ireland *may be ſpeedily relieved*, the Papiſts throughout this Kingdom may be diſarmed; and the Kingdom be put into ſuch *a War-like poſture*, for defence, as may be for it's ſafety; And *that the Biſhops* and *Popiſh Lords who* (as we conceive) *have hindered the ſucceſs* of *your Godly endeavours*, may *be excluded the Houſe* of *Peers*; Not doubting, but that then our Petitions formerly preſented to this Houſe, will receive the more full and ſpeedy Anſwer.

And your Petitioners (reſolving in all juſt and honourable ways (according to our late Proteſtation) *to aſſiſt you in your Rights and Priviledges with our Eſtates and Lives againſt the Enemies of God, the King and State,) humbly pray,* &c.

To

17 *Carol.*

To the Honourable, the Knights, Citizens and Burgeſſes of the Houſe of Commons Aſſembled in Parliament.

Hertford Petition.

The Humble Petition of the Knights, Gentlemen, Freeholders, and other, Inhabitants of the County of Hertford.

Sheweth,

THat *this Church and Kingdom being by the Prelates, thoſe multitudes of corrupt and ſcandalous Miniſters (their Creatures;) and the Popiſh party, concurring with them on the one hand; and by wicked Counſellors, evil Miniſters of State, and great ſwarms of projectors, and other* ill affected *to the peace of this Realm on the other hand, brought to a ſad, and almoſt deſperate condition, and thereby the ſplendor of his Majeſties Crown and Dignity dangerouſly weakned and eclipſed, It pleaſed His Majeſty, having reſpect to the Petitions of Nobles and people in that behalfe,* to call this preſent Parliament, *the only able means (under God) to Reform the many preſſures and grievances of the Church and Kingdom, and to remove the cauſes thereof.*

In which Parliament, *to the honour of His Majeſty, and comfort of his good Subjects,* exemplary Juſtice hath been executed; *Arbitrary Courts, Ship money, Monopolies, and other illegal Impoſitions removed, the ſhedding of much blood prevented, by the late union between the two Kingdoms of* England *and* Scotland, *and further hopes given us of perfecting what remains by the happy continuance and much deſired progreſs of this Parliament.*

And although that malignant party of Prelates and Papiſts, *and* their adherents (*whoſe preſent ſtandings, and the happy ſucceſs of this Parliament, as the Petitioners humbly conceive, are inconſiſtent*) *have by their manifold wicked practiſes and deſignes endeavoured to* hinder all thorow reformation in Church *and Common-wealth,* to ſtifle in the birth *and progreſs all thoſe good Bills, and other* preparations *made by this Honourable Aſſembly for that purpoſe, and ſpecially for the* relief of the Kingdom of Ireland, (*the ruine whereof will endanger this Kingdom alſo*). *To ſtop the influence of His Majeſties Royal favour in giving life thereto, to divide between His Majeſty and this Honourable Aſſembly, and* to render you not onely contemptible, *but alſo* burthenſome to the people; *yet the Petitioners, and as they verily beleive, all well affected to His Majeſty, and the peace and proſperity of this Kingdom, have, and ſtill ſhall continue an high and honourable eſteem of this worthy Aſſembly, and of your great and unwearied endeavours, and do with the utmoſt expreſſions of their thankfulneſs acknowledge the ſame, and the progreſs and perfecting thereof, to be of great conſequence, and deep neceſſity to the peace and welfare of this Church and Kingdom, and ſuch as without which not only a reflux of the former calamities, but even utter ruine and deſolation, like that, being too long continued in ſad and* much lamented Ireland, *will apparently enſue.*

From the ſenſe whereof, and of the great and unheard of breaches lately made upon the Priviledges of Parliament, *even to the endangering of the being thereof, wherein your* Petitioners *and their Poſterity are much concerned. The Petitioners take upon them the humble boldneſſe to declare their readineſſe and great engagements* according to their Proteſtation, *to ſtand to, and defend, to the utmoſt peril of their lives and Eſtates, the Kings Majeſty and High Court of* Parliament, *with all the power and Priviledges of the ſame, and all your Honourable proceedings for the common good, againſt all Popiſh and other malignant oppoſers, who endeavour, either by evil Counſel, ſecret Plots, or open force to hurt or prejudice the ſame, or to make diviſions between His Majeſty and the* Parliament.

And the ſaid Petitioners humbly pray, that the Papiſts may be fully diſarmed, *the Laws againſt them executed, the Kingdom, and eſpecially* this County, *according to their late Petition in that behalf,* put into a poſture of War for their better defence; *the Forts* and ſtrength *of this Kingdom put into ſafe hands, which the Parliament may confide and truſt in; the Priviledges of Parliament repaired and throughly vindicated, and that this Honourable Aſſembly (as hath been lately deſired of you by the Citizens of* London) *will be a means unto His Majeſty and Houſe of Peers, that life may be ſpeedily given to your good endeavours by their concurrence with you in taking away of the Votes of Popiſh* Lords and Biſhops *out of the Houſe of Peers, the ſpeedy and ſtrong relief of* Ireland, *the further puniſhment of Delinquents, the removal of the preſſures and grievances in Church and Common-wealth, and reforming of what is therein amiſſe.*

For all which your Petitioners ſhall dayly pray, *&c.*

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The Petitions being read by four ſeveral Members of the Houſe, Mr. *Pym* reaſſumed his Diſcourſe.

My Lords,

The reſt of Mr. *Pyms* Speech.

IN theſe four Petitions you may hear the voice or rather the *cry* of all *England*, and you cannot wonder if the urgency, the extreamity of the condition wherein we are, do produce ſome earneſtneſs and vehemency of expreſſion more then ordinary, the Agony, terror, and perplexity in which the Kingdom labours, is *univerſal*, all parts are affected with it; and therefore in theſe, you may obſerve the *Groans* and miſerable complaints of all.

Divers reaſons may be given why thoſe diſeaſes which are *Epidemical* are more dangerous then others: The Cauſe of ſuch diſeaſes is *univerſal* and ſupernatural, not from an evil conſtitution, or evil diet, or any other accident: and ſuch cauſes work with more vigour and efficacy, then thoſe which are particular and inferior. 2. In ſuch diſeaſes there is a *communicative* quality, whereby the Malignity of them is multiplied and inforced. 3. They have a *converting*, transforming power that turns other diſeaſes and evil affections of mens bodies into their own nature.

The common and epidemical diſeaſe wherein this Common-wealth lies now gaſping hath a ſuperior and univerſal cauſe from the *evils Counſels* and deſigns of thoſe, who under His Majeſty bear the greateſt ſway in Government. 2. It hath a *contagious* and infectious quality, whereby it is diffuſed and diſperſed through all parts of the Kingdom. 3. It is apt to take in the diſcontents, evil affections, and deſignes of particular perſons to increaſe and fortifie it ſelf.

I ſhall take occaſion from ſeveral Branches of thoſe Petitions which your Lordſhips have heard, to obſerve.

1. The variety of *Dangers* to which this Kingdom is now ſubject.
2. The manifold diſtempers which are the cauſe of thoſe dangers.
3. The Multiplicity of thoſe evil Influences, which are the Cauſes of thoſe diſtempers.

1. The variety of *Dangers.*

The firſt danger is from enemies abroad; this may ſeem a cauſeleſs and impertinent obſervation at this time, ſeeing we are in peace with all Nations about us: But (my Lords) you may be pleaſed to conſider that the ſafety of the Kingdom ought not to depend upon the *will* and diſpoſition of our Nighbours, but upon our own *ſtrength* and Proviſion; Betwixt States there are often ſudden changes, from peace to war, according to occaſion and advantage. All the States of Chriſtendom are now *Arm'd*, and we have no reaſon to believe, but that thoſe of greateſt Power have an evil Eye upon us in reſpect of our Religion: And if their private Differences ſhould be compoſed, how dangerouſly, how ſpeedily might thoſe great Armies and other Preparations now ready, be applied to ſome Enterpriſe and Attempt againſt us? and if there were no other Cauſe, this were ſufficient to make us ſtand upon our Guard; but there are divers more eſpecial ſymptomes of dangers of this kind.

We may perceive by ſeveral Advertiſements from abroad, that they did foreſee our dangers many Moneths before they broke out; they could *foretel* the Time and Manner of them, which is a clear Evidence, they held Intelligence with *thoſe* which were the Contrivers and workers of the preſent troubles.

We have many dangerous Traitors and *Fugitives* now in other parts, who can diſcover the weakneſſe and diſtemper of the Kingdom; who hold Intelligence with the ill-affected party here, and by all cunning and ſubtile practiſes endeavour to incite and provoke other Princes againſt us.

Some of the Miniſters of our neighbour Princes may be juſtly ſuſpected to have had a more immediate hand and operation in the Inſurrection and Rebellion of *Ireland*, many of the Commanders and moſt of the Souldiers levied for the ſervice of *Spain* are now joyned with the Rebels there: and thoſe *Iriſh* Friars which were imployed by the Spaniſh Ambaſſadour for the making of thoſe Levies, are known to have been the chief Incendiaries of this Rebellion, and are ſtill very active in the proſecution and incouragement of it.

The Rebels have a ready and ſpeedy ſupply from ſome of our Neighbours. Two Convoys of Munition and Arms we are certainly informed of: one from *Dunkirk*; the other from *Nants* in *Britany*: and certainly thoſe that are ſo forward to enable others to hurt us, will not forbear to hurt us themſelves, as ſoon as they ſhall have means and opportunity to do it.

Another danger is from the *Papiſts* and ill-affected Party at home. The Papiſts here

17 *Caroli.*

here, are acted by the ſame Principles, with thoſe in *Ireland*; many of the moſt active of them have lately been there; which argues an intercourſe and communication of Counſels. They have ſtill ſtore of Arms and Munition at their diſpoſing, notwithſtanding all our endeavours to diſarm them, they have a free reſort to the City and to the Court, they want no opportunities to conſult together; they have the ſame or greater encouragement from *above*, and from about them, then ever, in reſpect of the example and ſucceſs of the Rebels in *Ireland*, and the great confuſions and diviſions which by their cunning and ſubtile practices, are raiſed and fomented amongſt our ſelves at home.

3. A third Danger is of *Tumults* and Inſurrections of the meaner ſort of People: by reaſon of their ill vent of Cloth and other Manufactures, whereby great multitudes are ſet on work, who live for the moſt part by their daily gettings, and will in a very ſhort time be brought to great extremity, if not imployed; Nothing is more ſharp and preſſing then *neceſſity* and *want*; what they cannot *buy* they will *take*, and from them, the like neceſſity will quickly be derived to the Farmers and Husbandmen; and ſo grow higher, and involve all in an equality of miſery and diſtreſſe, if it be not prevented. And at this time ſuch Tumults will be dangerous, becauſe the Kingdom is full of diſbanded Souldiers and Officers, which will be ready to head and to animate the Multitude to commit violence with more ſtrength and advantage: and if they once grow into a Body, it will be much more difficult to reduce them into order again, becauſe neceſſity and want, which are the Cauſe of this diſturbance, will ſtill increaſe as the effects do increaſe.

A fourth Danger is from the Rebels in *Ireland*, not only in the reſpect of that Kingdom, but in reſpect of *This*. They have ſeized upon the Body of that Kingdom already, they abound in Men of very able bodies, they increaſe in Arms and Munition, they have great hopes of ſupplies from abroad, of incouragement *here*, and are ſure of good entertainment from the Popiſh party, ſo that they begin to ſpeak already there of tranſporting themſelves hither, and making this Kingdom the ſeat of the War.

2 The *diſtemper* procuring the former Dangers.

The Diſtemper which hath produced theſe Dangers is various and exceeding violent. Whenſoever Nature is hindred in her proper operations and faculties, diſtempers will neceſſarily follow.

The *obſtructions* which have brought us into this diſtemper, are very many, ſo that we cannot wonder at the ſtrength and *malignity* of it. Some of the chiefeſt of theſe obſtructions, I ſhall endeavour to remember.

1. The obſtruction of *Reformation in matters of Religion*: no Grievances are ſharper then thoſe that preſſe upon the tender conſciences of Men; and there was never Church or State afflicted with more Grievances of this kind, then we have been. And though they are by the wiſdom of this Parliament partly eaſed and diminiſhed, yet many ſtill remain: and as long as the Biſhops and the corrupt part of the Clergy continue in their Power, there will be little hope of Freedom either from the ſence of thoſe which continue, or the fear of thoſe which are removed. And of this obſtruction, (my Lreds) I muſt clear the *Commons*, we are in no part guilty of it: ſome good Bills have paſt us, and others are in preparation, which might have been paſt before this, if we had not found ſuch ill ſucceſs in the other. Whatſoever miſchief this obſtruction ſhall produce, we are free from it: we may have our part of the Miſery, we can have no part in the *guilt* or diſhonour.

2. An *obſtruction in Trade*, it is the Trade that brings food and nouriſhment to the Kingdom. It is that which preſerves and increaſeth the ſtock of the whole, and diſtributes a convenient Portion of maintenance to every part of it: therefore ſuch an obſtruction as this muſt needs be dangereous; the Freedom of Trade being ſo neceſſary, the benefit ſo important, as that it gives life, ſtrength, and beauty to the whole Body of the Common-wealth: but I muſt proteſt the Houſe of Commons hath given no Cauſe to this Obſtruction; we have eas'd Trade of many Burdens, and heavy Taxes which are taken off; we have freed it from many hard reſtraints by Patents and Monopolies; we have been willing to part with our own Priviledges, to give Incouragement; we have ſought to put the Merchants into Security and confidence in reſpect of the Tower of *London*, that ſo they might be invited to bring in their *Bullion* to the Mint as heretofore they have done: and we are no way guilty of the Troubles, the fears, and publique dangers which make Men withdraw their Stocks, and to keep their money by them,

An. 1641. them, to be ready for ſuch ſudden Exigents, as in theſe great diſtractions we have too much Cauſe to expect.

3. The *obſtruction in the Reliefe of* Ireland. It muſt needs be accompted a great *Shame* and diſhonour to this Kingdom, that our Neighbours have ſhewed themſelves more forward to ſupply the *Rebels*, then we have been to relieve our diſtreſſed Brethren and fellow-Subjects. But I muſt declare that *we* are altogether innocent of any neglect herein. As ſoon as the firſt news of the Rebellion came over, *we* undertook the War, not by way of Supply and Ayde, as in former Rebellions the Subjects have uſed to do, but we undertook the *whole charge* of it, and we ſuffered not twenty four hours to paſs, before we agreed to a great Leavy of Money and Men, to be employed againſt the Rebels, even in a larger proportion, then the Lords Juſtices and Councel there did deſire: and from time to time we have done all for the furtherance thereof, though in the midſt of many diſtractions and diverſions, but the *want of Commiſſions* for leavying Men, for iſſuing Arms, and divers other Impediments, have been the Cauſes of that obſtruction; and I wiſh we had not onely found Impediments to our ſelves, but alſo Incouragements to them. *Many of the chief Commanders, now in the Head of the Rebels, after we had with your Lord ſhips Concurrence ſtopt the Ports againſt all* Iriſh *Papiſts, have been ſuffered to paſs by His Majeſties immediate Warrant*, much to the diſcouragement of the Lords Juſtices and the Councel there; and, this procured, as we believe, by ſome evil Inſtrument, too near His Regal Perſon, without His Majeſties knowledge and intention.

4. The *obſtruction in proſecution of Delinquents*: Many we have already brought unto your Lordſhips: divers others we have been diſcouraged to tranſmit; ſuch difficult proceedings have we met withal; ſuch terrors and diſcountenance have been caſt upon our ſelves and our witneſſes; and thoſe who have ſhewed themſelves their friends and Patrons, have found it the moſt ready way to preferment; yea, *His Majeſties own hand* hath been obtained, His Majeſties Ships imployed for the tranſporting of divers of thoſe who have fled from the *Juſtice* of the Parliament.

5. A general obſtruction and *interrnption of the proceedings of Parliament*, by thoſe manifold deſigns of violence (which through God's mercy we have eſcaped;) by the great and frequent breaches of Priviledge; by the ſubtil endeavours to raiſe parties in our Houſe, and jealouſies betwixt the two Houſes.

6. The obſtruction in providing for the *Defence of the Kingdom*, that we might be inabled to reſiſt a Forraign Enemy, to ſurpreſſe all Civil Inſurrections: and what a preſſing neceſſity there is of this, the exceeding great decayes in the Navy, in the Forts, in the Power of ordering the *Militia* of the Kingdom, and Means of furniſhing them with Munition, are ſufficient evidences, known to none better then to your Lordſhips, and what endeavour we have uſed to remove them (but hitherto without the ſucceſs and concurrence which we expected:) and where *the ſtop* hath been, and upon what good grounds, we may claim our own innocency and faithfulneſs in this, we deſire no other Witneſſes but your ſelves.

3. The *Influences* that have cauſed ſo great *Diſtempers.*

Laſtly, I come to the evil Influences which have cauſed this diſtemper, and I ſhall content my ſelf to mention ſome few of thoſe which are moſt Apparant and Important.

1. In the firſt place, I ſhall remember the evil Counſels about the King, whereof we have often complained. *Diſeaſes of the Brain are moſt dangerous* becauſe from thence *Senſe* and *Motion* are derived to the whole Body. The malignity of *evil Counſels* will quickly be infuſed into all parts of the State. None can doubt but we have exceedingly laboured under moſt dangerous and miſchievous Counſels. This evil Influence hath been the cauſe of the preparation of War with *Scotland*, of the procuring a Rebellion in *Ireland*, of corrupting Religion, ſuppreſſing the Liberty of this Kingdom, and of many teareful and horrid Attempts, to the ſubverting the very being of Parliaments, which was the onely hopeful Means of oppoſing and preventing all the reſt: And this doth appear to be a moſt predominant evil of the Time; whereat we need not wonder, when we conſider *how* Councellours have been preferred and prepared And I appeal to your Lordſhips own Conſciences, whether the giving, and the countenancing of evil Councel, hath not been almoſt the *onely way to farther advancement.*

2. The diſcouragement of *good Councel*: divers honeſt and approved Councellours

17 *Caroli.*

ſellours have been put from their places: others ſo diſcountenanced, as that the way of favour hath been ſhut againſt them, and that of danger and deſtruction onely open to them.

3. The great Power that an intereſted and factious party hath in the Parliament, by the continuance of the Votes of the Biſhops and Popiſh Lords in your Lordſhips Houſe; and the taking in of others both out of the Houſe of Commons, and otherwiſe, to increaſe their ſtrength.

4. The fomenting and cheriſhing of a malignant party throughout the whole Kingdom.

5. The manifold *jealouſies* betwixt the King, his Parliament, and good Subjects, whereby his protection and favour hath in a great meaſure been withheld from them: their inclination and reſolution to ſerve and aſſiſt him, hath been very much hindred and interrupted: We have often ſuffer'd under the miſ-interpretation of *good* actions, and falſe imputation of *evil*, which we never intended. So that we may juſtly purge our ſelves from all guilt of being Authors of this jealouſie and miſ-underſtanding: We have been, and are ſtill ready to ſerve His Majeſty with our lives and fortunes, with as much cheerfulneſſe and earneſtneſſe of affection, as ever any Subjects were; and we doubt not but our proceedings will ſo manifeſt this, that we ſhall be as clear in the apprehenſion of the world, as we are in the teſtimony of our own Conſciences.

I am now come to a Concluſion, and I have nothing to propound to your Lordſhips by way of Requeſt or deſire from the Houſe of Commons; I doubt not but your judgements will tell you, what is to be done; your Conſciences, your Honours, your Intereſts will call upon you for the doing of it; The Commons will be glad to have your help and concurrence in ſaving of the Kingdom, but if they ſhould fail of it, it ſhould not diſcourage them in doing their duty. And whether the Kingdom be *loſt* or *ſaved* (as through Gods bleſſing I hope it will be), they ſhall be ſorry that the ſtory of this preſent Parliament ſhould tell Poſterity, that in ſo great a Danger and Extremity, the *Houſe of Commons* ſhould be inforced to ſave the Kingdom *alone*, and that the Houſe of Peers ſhould have no part in the *honour* of the preſervation of it, you having ſo great an Intereſt in the good ſucceſs of thoſe endeavours, in reſpect of your great Eſtates, and high degrees of Nobility.

My Lords, conſider what the preſent neceſſities and dangers of the Commonwealth require, what the *Commons* have reaſon to expect, to what endeavours and counſels the concurrent deſires of all the People do invite you: ſo that applying your ſelves to the preſervation of the King and Kingdom, I may be bold to aſſure you in the name of all the *Commons* of *England*, that you ſhall be bravely ſeconded.

Die Martis 25. January. 1641.

IT this day ordered by the Commons Houſe of Parliament, that M. Speaker, *in the name of the Houſe, ſhall give thanks unto* M. Pym *for his ſo well performing the ſervice he was imployed in by the Commons of this Houſe, at this Conference. And it is further ordered, that* M. Pym *be deſired to put the Speech he made at this Conference into writing, and to deliver it into the Houſe, to the end it may be Printed.*

H. Elſynge, *Cler. Parl. D. Com.*

His Majeſty's Meſſage ſent to the Houſe of Commons, concerning Licenſes granted by His Majeſty to ſeveral perſons to paſs into Ireland.

Febr. 7th. 1641. Kings Meſſage about Paſſes Granted to Papiſts to go into *Ireland.*

'HIs Majeſty taking notice of a *Speech*, pretending in the title to have deen *delivered by Mr* Pim *in a Conference, and Printed by Order of the Houſe of Commons.* 'In which it is Affirmed, *That ſince the ſtop upon the Ports againſt all* Iriſh *Papiſts,* 'by both Houſes, *many of the Chief Commanders, now in the head of the Rebels have* 'been ſuffered to paſs by His Majeſty's *immediate Warrant*, and being very cer 'tain of having uſed *extream caution*, in the granting of *Paſs-ports* into *Ireland*, ſo 'that he conceives either this Paper not to have been ſo delivered and Printed 'as it pretends, or this Houſe to have received ſome *miſinformation*. His Majeſty 'would be reſolved whether this Speech were ſo delivered and Printed, and if 'it were, would have this Houſe to review, upon what information that par-

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17 *Caroli.*

'ticular was grounded, That either that may be found upon re-examination, to 'have been falſe, and both this Houſe and his Majeſty injur'd by it; or that his 'Majeſty may know by what Means, and by whoſe Fault his Authority hath 'been ſo highly abuſed, as to be made to conduce to the Aſſiſtance of that *Rebel-* 'lion, which he ſo much deteſts and abhors; And that he may ſee himſelf fully 'vindicated from all reflections of the leaſt ſuſpition of that kind.

The Anſwer of the Houſe of Commons.

The Commons Anſwer concerning Mr. *Pim*'s Speech about *Paſſes* granted to Papiſts to go into *Ireland.*

YOur Majeſties moſt Loyal and Faithful Subjects, the Commons now Aſſembled in Parliament, have taken into their Serious Conſideration the Meſſage received from Your Majeſty the *ſeventh of this inſtant February*, and do acknowledge *that the Speech* therein mentioned to be *delivered by Mr.* Pym, in a Conference, was printed by their *Order*, and that what was therein delivered was agreeable to the ſenſe of the Houſe; and touching that paſſage wherein it is affirmed, that *ſince the ſtop upon the Ports againſt all* Iriſh *Papiſts by both Houſes, many of the Chief Commanders, now in the Head of the Rebels, have been ſuffered to paſs by Your Majeſties Immediate Warrant*: They preſent Your Majeſty with this their Humble Anſwer.

That they have received divers Advertiſements concerning the ſeveral perſons, *Iriſh Papiſts*, and others which have obtained Your Majeſtys *Immediate Warrant* for their paſſing into *Ireland* ſince the Order of Reſtraint of both Houſes; ſome of which, as they have been informed ſince their coming into *Ireland*, have joyned with the *Rebels*, and been *Commanders* amongſt them, and ſome others have been ſtaid, and are yet in *ſafe Cuſtody*, particularly the Lord *Delvin* and ſome other Perſons in his company, (whereof one is thought to be a *Prieſt*) one Colonel *Butler*, Brother to the Lord *Minyart*, now in Rebellion, and Sir *George Hamilton*, all which are *Papiſts*, and one other (as is reported) being Son of the Lord *Netersfield*, whoſe Father and Brother are both in Rebellion; the particular Names of others we have not yet received, but doubt not but upon examination they may be diſcovered.

And Your Majeſties moſt Faithful Subjects are very ſorry that the *extream Caution* which Your Majeſty hath uſed, hath been ſo ill ſeconded with the diligence and faithfulneſs of Your *Miniſters*. And that Your Royal Authority ſhould be ſo highly abuſed, altho, as it was expreſt in that Speech by Mr. *Pym*, we believe it was by the procurement of ſome evil Inſtruments too near Your Royal Perſon, *without Your Majeſties knowledge* and intention. And we beſeech Your Majeſty to take ſuch courſe that not only Your Honour may be vindicated for the time paſt, but Your Kingdom may be ſecured from like miſchief for the time to come.

Read, and by Vote of the Queſtion, Aſſented unto.

His Majeſtys Reply to the Houſe of Common's Anſwer concerning Licenſes granted by the King to ſeveral perſons to go into Ireland.

'AS His Majeſty hath expreſſed a great deſire to give His Houſe of Com 'mons all poſſible ſatisfaction to all their Juſt Requeſts, and a readineſs 'to rectifie or retract any thing done by himſelf, which might ſeem to trench 'upon their Priviledges by any miſtake of his, ſo he doubts not they will be rea- 'dy, upon all occaſions, to manifeſt an equal tenderneſs and regard of His Maje- 'ſties *Honour* and Reputation with his good Subjects; and therefore His Majeſty 'expects they ſhould review His Meſſage of the ſeventh of this Month, concern- 'ing a paſſage in Mr. *Pym*'s Speech, and their Anſwer ſent to His Majeſty by 'ſome of their Members on the tenth of the ſame, with which His Majeſty can 'by no means reſt ſatisfied.

'His Majeſties *Exception* in that Meſſage was, that it was affirmed in that 'Speech that *ſince the ſtop upon the Ports* againſt *all Iriſh Papiſts, by both Houſes*; 'many of the *Chief Commanders*, now in the *Head of the Rebels*, have been ſuf- 'fered to paſs by His Majeſties immediate *Warrant.*

'To this the Anſwer is, That the Speech mentioned in that Meſſage to be de- 'livered by Mr. *Pym*, was printed by their Order, and that what was therein

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'delivered was agreeable to the ſenſe of the Houſe: That they have received 'divers Advertiſements concerning ſeveral perſons, Iriſh Papiſts and others, who 'have obtained His Majeſties immediate Warrant for their paſſing into *Ireland*, 'ſince the Order of Reſtraint of both Houſes, ſome of which, they have been 'informed ſince their coming into *Ireland*, have joined with the Rebels, and been 'Commanders amongſt them. *An.* 1641

'His Majeſty is moſt aſſured, no ſuch perſon hath paſſed by His Warrant or 'Privity, and then He deſires His Houſe of Commons to conſider, whether ſuch 'a General Information and Advertiſement (in which there is not ſo much as 'the Name of any particular Perſon mentioned) be ground enough for ſuch a 'direct and poſitive Affirmation, as is made in that Speech, which in reſpect of 'the place and perſon, and being now acknowledged to be agreeable to the 'ſenſe of the Houſe, is of that Authority that His Majeſty may ſuffer in the 'Affections of many of his good Subjects, and fall under a poſſible conſtruction '(conſidering many ſcandalous Pamphlets to ſuch a purpoſe) of not being ſen 'ſible enough of that Rebellion, ſo horrid and odious to all Chriſtians, by which 'in this diſtraction, ſuch a danger might poſſibly enſue to His Majeſties Perſon 'and Eſtate, as He is well aſſured His Houſe of Commons will uſe their utmoſt 'endeavours to prevent. And therefore His Majeſty thinks it very neceſſary, and 'expects that they name thoſe perſons, who by His Majeſties Licenſe have paſſed 'into *Ireland*, and are now there in the Head of the Rebels; Or, that if upon their 're-examination, they do not find particular Evidence to prove that Aſſertion (as 'His Majeſty is confident they never can); as this Affirmation, which may reflect 'upon His Majeſty, is very publick, ſo they will publiſh ſuch a Declaration 'whereby that miſtake may be diſcovered, His Majeſty being the more tender 'in that particular, which hath Reference to *Ireland*, as being moſt aſſured that 'he hath been, and is, from his Soul, reſolved to diſcharge his Duty (which 'God will require at his hands) for the relief of his poor Proteſtant Subjects there, 'and the utter rooting out that Rebellion; So that Service hath not ſuffered any, 'but neceſſary delays by any Act of His Majeſties, for the want of any thing 'propoſed to His Majeſty within His Majeſtys power to do.

'For the perſons named in the Anſwer, His Majeſty ſaith that Colonel *Butler*, 'and the Son of the Lord *Nuttersfield*, obtained his Warrants for their paſſage in 'to *Ireland* at His Majeſties being in *Scotland*, which was long (as His Majeſty 'thinks) before the Order of both Houſes: His Majeſty knowing the former of 'them to be one who hath always made profeſſions to his Service, and to be 'Uncle to the Earl of *Ormond*, of whoſe affection to the Proteſtant Religion, 'and His Majeſties Service, His Majeſty hath great cauſe to be aſſured: And 'the latter being a perſon of whom, at that time, there was no ſuſpition to His 'Majeſties knowledge. For the other, it may be, they have obtained Warrants 'from His Majeſty ſince the ſaid Order, but His Majeſty aſſures the Parliament, 'that he had no intimation of ſuch an Order, till after ſtay made of Sir *George* '*Hamilton*, who was the laſt that had any Licenſe from His Majeſty to paſs for '*Ireland*.

'And his Majeſty having ſince this Anſwer from the Houſe of Commons uſed 'all poſſible means, by the examining his own memory, and the Notes of his Se- 'cretaries, to find what Warrants have been granted by him, and to what per- 'ſons, doth not find that he hath granted any to any Iriſh, but thoſe who are 'named by the Houſe of Commons, and in *December* laſt to the Earl of Saint '*Albans*, and to two of his Servants, and to one *Walter Terrel*, a poor man, they 'being ſuch as his Majeſty is aſſured are not with the Rebels, and much leſs chief 'Commanders over them. And tho it may be, the perſons named by the Houſe 'of Commons are Papiſts, yet his Majeſty, at that time, thought it not fit, in 'reſpect of their Alliance in that Kigdom, to ſuch perſons of great power, of 'whom his Majeſty hoped well, to diſcover any ſuſpition of them, the Lords 'Juſtices have declared by their Letters (which Letters were not diſapproved 'of by the Parliament here) that they were ſo far from owning a publick jea- 'louſie of *all Papiſts* there, that they had thought fit to put Arms into the hands 'of divers Noblemen *of the Pale* of that Religion, who made Profeſſions to his 'Majeſties Service, and deſired the ſame. And ſince ſo great a truſt, repoſed in 'ſome of the Lords of that Religion was not diſapproved by the Parliament here, 'his Majeſty could not imagine it unſafe or unfit for him to give Licenſes to ſome 'few to paſs into that Kingdom, who, tho Papiſts, profeſſed due Allegiance and 'Loyalty to his Majeſty.

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'And therefore, unleſs the firſt Affirmation of the Houſe of Commons can be 'made good by ſome particulars, his Majeſty doth not know that his Miniſters 'have failed in their diligence and faithfulneſs to his Majeſty in this point, or that 'his Honour hath ſuffered ſo much by any Act of his own, as that it needs be 'vindicated for the time paſt, by any other way than ſuch a Declaration which 'he expects from this Houſe, as in Duty and Juſtice due to his Majeſty.

A Declaration of both Houſes of Parliament ſent to the King's Moſt Excellent Majeſty, touching Paſſes into Ireland.

May it pleaſe Your Majeſty,

March 16. Declaration concerning Paſſes into *Ireland.*

YOur Majeſty's moſt Humble and Faithful Subjects, the Knights, Citizens and Burgeſſes of the Common's Houſe of Parliament, having conſidered Your Majeſtys *Reply* to their Anſwer, touching ſuch perſons as have been *licenſed by Your Majeſty to paſs into* Ireland, do moſt humbly beſeech Your Majeſty to believe, that they ſhall always, with Thankfulneſs and Joy, receive from Your Majeſty any ſatisfactory anſwer to their juſt Requeſts; and, as they hope, they ſhall find in Your Majeſty a readineſs to rectifie thoſe things which have been done to their prejudice, ſo will they be careful to remove all apprehenſions of their Actions or Speeches, which may ſeem to caſt any Diſhonour upon Your Majeſty.

For Your Majeſty's better ſatisfaction concerning the poſitive affirmation, that many of the Chief Commanders, now in the *Head of the Rebels* (after the Ports were ſtopped by Order of both Houſes) have been ſuffered to paſs by Your Majeſty's immediate Warrant. May it pleaſe Your Majeſty to conſider, that herein they have affirmed nothing but what they had Cauſe to believe was true, the Grounds whereof they humbly preſent to Your Majeſty.

The firſt Ground is this; That both Houſes of Parliament (having, upon Your Majeſty's Commendation, taken into their Care the Suppreſſion of the Rebellion in *Ireland*) had reaſon to be eſpecially watchful over *the Ports*, becauſe the Rebels, abounding in numbers of Men, for the moſt part ignorant of the uſe of their Arms, could by no means become dangerous or formidable to this Kingdom, but by the acceſs of Soldiers and *Commanders*, wherewith they were like to be furniſhed, either out of *France* or *Flanders*, from both which Places the paſſage into *Ireland* is ſpeedy and eaſie through this Kingdom, and therefore they could not chuſe but be very ſenſible of whatſoever gave liberty or opportunity to ſuch a paſſage, as of a very hurtful and dangerous grievance; for prevention whereof they did, upon the ſeventh of *November*, agree upon an Order, and reſtrain all paſſage into *Ireland* without Licenſe; but, upon due and ſtrict examination, by ſuch perſons as were truſted to make thoſe Licenſes.

A Second Ground, that the other Licenſes acknowledged by Your Majeſty's Anſwer were ſuch (both in regard of the perſons to whom they were granted, and the extent of the words in which they were granted) as were apt to produce ſuch an effect as is mentioned in that poſitive affirmation, that is to open a way for the paſſage of Papiſts and other Dangerous Perſons to join with the Rebels, and to be Heads and Commanders among them, which is thus proved.

The Warrant granted to Colonel *Butler* (ſince the Order of Reſtraint by both Houſes of Parliament) did extend to all Ports of *England* and *Scotland*, and did give free paſſage to himſelf and to his Company, without any qualification of perſons, or limitation of number; and this Colonel was himſelf a Papiſt, had a Brother in Rebellion, and General of the Rebels in *Munſter*, was expected, and very much deſired by thoſe Rebels, who for a long time kept a Regiment to be Commanded by him, as we have been credibly informed.

The Second was granted to a Son of the Lord *Nettervfield*, which Lord had four Sons in *England* ſince the Rebellion, one of which is ſettled in *England*, three others intended to paſs into *Ireland*, and were all dangerous perſons, being Papiſts, bred in the Wars, in the ſervice of the King of *Spain*, and one of them lately become a Jeſuit.

The Third, to the Lord *Delvin* extends to himſelf, and four perſons more unnamed; that one of thoſe, who ſhould have paſt with him, is taken to be a Jeſuit, and another who calls himſelf *Plunket*, ſeems to be a man of ſome Breeding and Quality, and like to have been ſerviceable to the Rebels, and to have done miſchief, if he had gone over.

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The Fourth, to Sir *George Hamilton*, and three more unnamed: This Genleman likewiſe is a profeſt Papiſt, and may be doubted to be of the party of the Rebels; one of that name being mentioned in the inſtruction of *Sempil* the Jeſuit, among divers other Dangerous Perſons of the Popiſh Party in *Scotland* and *Ireland*; which Inſtructions were found in a Ship ſtaid in *Cornwal*, which was going into *Ireland* with divers Jeſuits, Soldiers and others, for the Encouragement of the Rebels.

A Third Ground is this, That by vertue and authority of theſe Licenſes ſeveral perſons have paſſed over, which are now in actual Rebellion, and joyned with the Rebels, and ſome have Command among them, which is thus Proved;

One Captain *Sutton* did by vertue and authority of Your Majeſties Licenſe, embark at *White-Haven*, in the Company of Colonel *Butler*, and was driven back by foul weather; whereupon the Colonel ſtaid, and went to *Cheſter*; but that Captain re-embarked himſelf in the ſame Bottom, and paſſed into *Ireland*, where he went into Rebellion with the Lord *Dunſany*, and ſince obtained the place of a Colonel among the Rebels, as we are very credibly informed.

Two of the Sons of the Lord *Nettersfield*, one a Jeſuit, and the other a Soldier, paſſed into *Ireland* in *December* laſt, both of them by vertue of Your Majeſties Warrant, as we have cauſe to believe; for that they went both together in one Ship, and the Licenſes, acknowledged to be granted by Your Warrant, muſt needs be granted to one of them; ſeeing the other Brother, who lately endeavoured to paſs over, did produce no Licenſe, and upon his Examination doth abſolutely deny that he had any.

A Fourth Ground (which we humbly offer to Your Majeſty) is this; That Your Majeſty cannot be aſſured, that no other did paſs upon Your Licenſe, as Your Majeſty doth conceive, and are pleaſed to expreſs in Your Anſwer; and that we had great Cauſe to believe, that divers others had paſſed over by Your Warrant, beſides the perſons afore-mentioned, and that for theſe Reaſons.

1. Becauſe we received ſuch a general information, that divers now in the Head of the Rebels were paſſed by Your Majeſtys Licenſe, which being true in part, and eaſie to be effected, in regard of the Nature and Extent of the Warrants, and probable to be attempted, in regard of the Subtilty and Vigilancie of that party to make uſe of all Advantages, ſeemed to deſerve credit; which we ſhould not have given to it, if it had been a naked Information without ſuch circumſtances.

2. Becauſe we had concurring Advertiſements from *Ireland* and *Cheſter*, that divers Prieſts, Jeſuits and Popiſh Commanders had paſſed over, and were landed there, and particularly ſome of Colonel *Butler*'s Company; and that the Officers of the Ports had kept no Entry of the Names of theſe perſons, or of the Warrants by which they were Tranſported.

Theſe, we hope, will be ſufficient to perſwade Your Majeſty to believe; that as we had ſome cauſe to give credit to the ſaid Informations, ſo we had no intention to make any ill uſe of them to Your Majeſty's Diſhonour, but did impute the Blame to Your Miniſters, who might have been more careful to have informed Your Majeſty of the Quality of thoſe Perſons named in Your Licenſes, and ſo to have limited them, that they might not have extended to others, as they did, how many and dangerous ſoever.

And they pray Your Majeſty to reſt aſſured, that they ſhall always be tender of Your Honour and Reputation with your good Subjects, and for this Cauſe have made this true Declaration of the full ſtate of this Matter, that they may think no otherwiſe of it than the Truth; and in all things ſhall labour to eſtabliſh a good Underſtanding and Confidence betwixt Your Majeſty and Your People, which they heartily deſire, and pray for, as the chiefeſt means of preſerving the Honour, Safety and Proſperity of Your Majeſty and Your Kingdom.

His Majeſties Anſwer to a Meſſage, ſent to Him by the Houſe of Commons concerning Licenſes, *granted by him to Perſons to go into* Ireland.

'HIS Majeſty hath ſeen and conſidered the Meſſage, preſented to Him by 'by the Lord *Compton* and Mr. *Bainton*, the nineteenth of *March*, 1641, 'at *York*, touching ſuch Perſons as have been Licenſed by his Majeſty to paſs into 'Ireland.

The King's Reply to the laſt Declaration about Paſſes into *Ireland*.

An. 1641.

'Tho' he will not *inſiſt* upon what little Reaſon they had to ſuſpect, that ſome 'ill-affected Perſons had paſſed into *Ireland*, under colour of His Majeſty's Li'cenſe (Inferences being ſlender Proofs to ground Belief upon) yet he muſt needs 'avow, that for any thing that is yet declared, he cannot ſee any Ground, why 'Mr. *Pym* ſhould ſo boldly affirm before both Houſes of Parliament, That *ſince* '*the ſtop upon the Ports by both Houſes againſt all* Iriſh *Papiſts, many of the Com*'*manders, now in the Head of the Rebels, have been ſuffered to paſs by His Majeſty's im*'*mediate Warrant*: for as yet there is not any particular Perſon named, that is now 'ſo much as in Rebellion (much leſs in the Head of the Rebels) to whom His 'Majeſty hath given Licenſe.

'And therefore, according to His Majeſty's Reply upon that Subject, His Ma'jeſty expects, that His Houſe of Commons will publiſh ſuch a Declaration, where'by this miſtaking may be cleared; that ſo all the World may ſee His Majeſty's 'caution in giving of Paſſes, and likewiſe, that His Miniſters have not abuſed His 'Majeſty's Truſt by any ſurreptitious Warrants.

'And *Laſtly*, His Majeſty expects, that henceforth there be more Warineſs uſed, 'before ſuch publick Aſperſions be laid, unleſs the Grounds be before hand better 'warranted by ſufficient proofs.

The end of the Third Chapter.

CHAP. IV.

The Militia controverted: being the ſeveral Petitions, Meſſages, Declarations, Anſwers, Replies, &c. that paſſed between His Majeſty and the two Houſes touching the ſame.

TO ſtate this matter intire, we muſt look back into the Month of *January*, when the ſame began firſt to be ſtarted, and ſo proceed with the other ſucceſſive Papers that paſs'd thereupon.

His Majeſty's Meſſage ſent to both Houſes of Parliament Jan. *the* 20th. 1641.

His Majeſty's Propoſal for Remedies of Evils, *Jan.* the 20th, 1641.

'HIS Majeſty perceiving the manifold Diſtractions which are now in this 'Kingdom, which cannot but bring great Inconvenience, and Miſchief to 'the whole Government. In which, as His Majeſty is moſt chiefly Intereſted, ſo 'He holds Himſelf by many Reaſons, moſt obliged to do what in Him lies, for 'the preventing thereof; tho' he *might juſtly expect* (as moſt proper for the Duty 'of Subjects) *that Propoſitions, for the Remedies of theſe Evils,* ought rather to come 'to him, then from him; yet his Fatherly Care of all his People being ſuch, 'that he will rather lay by any particular reſpect of his own Dignity, then that 'any time ſhould be loſt for preventing of theſe threatning Evils, which cannot 'admit of the Delays of the ordinary Proceedings in Parliament, doth think fit 'to make this enſuing Propoſition to both Houſes of Parliament, That they will 'with all ſpeed fall into a ſerious Conſideration of all thoſe Particulars, which they 'ſhall hold neceſſary, as well for the upholding and maintaining of His Majeſty's 'Juſt and Regal Authority, and for the ſetling of His Revenue, as for the preſent 'and future Eſtabliſhment of their Priviledges; the free and quiet enjoying of 'their Eſtates and Fortunes; the Liberties of their Perſons; the Security of the 'true Religion now profeſſed in the Church of *England*, and the ſetling of Ce'remonies in ſuch a manner, as may take away all juſt Offence; which, when 'they ſhall have digeſted and compoſed one intire Body, that ſo His Majeſty and 'themſelves may be able to make the more clear Judgment of them, it ſhall then 'appear by what His Majeſty ſhall do, how far he hath been from intending, or 'deſigning any of thoſe things, which the too great Fears and Jealouſies of ſome 'Perſons ſeem to apprehend, and how ready he will be to exceed the greateſt 'Examples of the moſt indulgent Princes in their Acts of Grace and Favour to 'their People: So that if all the preſent Diſtractions (which ſo apparently threaten 'the Ruin of this Kingdom) do not (by the Bleſſing of Almighty God) end in an 'happy and bleſſed Accommodation, His Majeſty will be ready, to call Heaven 'and Earth, God and Man to witneſs, that it hath not failed on his part.

To

17 *Caroli.*

To the King's moſt Excellent Majeſty.

The humble Petition of the Knights, Citizens, and Burgeſſes of the Commons Houſe now in Parliament Aſſembled, in Anſwer to His Majeſty's Meſſage of the 20*th.* of *January.*

Humbly Sheweth,

Houſe of Commons Anſwer.

THAT whereas the Houſes of Parliament have received a gracious Meſſage from your Majeſty, Dated the twentieth day of this Inſtant January, *your Petitioners returns to your Majeſty moſt humble Thanks, reſolving to take it into ſpeedy and ſerious conſideration; and to enable them with ſecurity to diſcharge their Duties therein, they deſired the Peers therein to joyn with them, in humbly beſeeching your Sacred Majeſty to raiſe up unto them a ſure* Ground of Safety *and Confidence, by putting* the Tower *and other principal Forts of the Kingdom; and the* whole Militia *thereof into the Hands of* ſuch Perſons *as your Parliament might* confide in, *and as ſhould be recommended unto your Majeſty by both Houſes of Parliament, that all Fears and Jealouſies being laid aſide, they might with all chearfulneſs proceed to ſuch Reſolutions as they hoped would lay a ſure Foundation of Honour, Greatneſs, and Proſperity unto your Subjects throughout all your Dominions; wherein the Houſe of Peers have refuſed to joyn with your Petitioners: They notwithſtanding, no way diſcouraged, but confiding in your Majeſty's goodneſs to your People; do therefore make their moſt humble Addreſs to your Majeſty, to beſeech you, that the* Tower *of* London *and other principal Forts, and the whole Militia of the Kingdom, may be put into the Hands of ſuch Perſons, as ſhall be recommended unto your Majeſty by your Petitioners; not doubting but they ſhall receive a gracious and ſpeedy Anſwer to this their humble Deſire. Without which, in all Human Reaſon the great Diſtraction of the Kingdom muſt needs overwhelm it with Miſery and Ruine.*

And your Petitioners ſhall ever pray.

His Majeſty's Anſwer to the Petition of the Commons Houſe January *the* 28th, 1641.

The King's Anſwer to the Petition about the Militia, *Jan.* the 28*th.*

'HIS Majeſty having ſeriouſly conſidered of the Petition preſented to him 'from the Houſe of Commons, on *Wedneſday* the twenty ſixth of this 'Month, returns this Anſwer,

'That he was in good hope, his gracious Meſſage of the twentieth of this 'Month, to both Houſes; would have produced ſome ſuch over-ture, 'which by offering what is fit on their parts to do, and asking what is proper for 'His Majeſty to grant, might beget a mutual confidence in each other.

'Concerning the *Tower* of *London*, His Majeſty did not expect, that having 'preferred a Perſon of a known Fortune, and unqueſtionable Reputation to that 'Truſt, he ſhould be preſſed to remove him, without any particular Charge ob- 'jected againſt him; and therefore returns his anſwer,

'That if upon due examination, any particular ſhall be preſented to His Ma- 'jeſty, whereby it may appear, that His Majeſty was miſtaken in his Opinion of 'this Gentleman, and that he is unfit for the Truſt committed to him, His Ma- 'jeſty will make no ſcruple of diſcharging him: but otherwiſe His Majeſty is 'obliged in Juſtice to himſelf, to preſerve his own work, leſt his Favour and 'good Opinion, may prove a diſadvantage and misfortune to his Servants, with- 'out any other accuſation; of which His Majeſty doubts not his own Houſe of 'Commons will be ſo tender (as of a buſineſs wherein His Majeſty's Honour is ſo 'much concerned) that if they find no material exception againſt his Perſon, 'they will rather endeavour to ſatisfie and reform the Fears of other Men, then 'by complying with them, preſs His Majeſty to any Reſolution which may ſeem 'ſo much to reflect upon his Honour and Juſtice. For the Forts and Caſtles 'of the Kingdom, His Majeſty's reſolved that ſhall always be in ſuch Hands '(and only ſuch) as the Parliament may ſafely confide in; but the nomination of 'any Perſons to thoſe places (being ſo *principal and inſeparable* a Flower of his 'Crown, veſted in him, and derived unto him from his Anceſtors, *by the Funda- 'mental Laws of the Kingdom*) he will reſerve to himſelf; in beſtowing whereof, 'as His Majeſty will take care that no corrupt ſiniſter Courſes ſhall prevail with

him

An. 1641.

'him, ſo he is willing to declare, that he ſhall not be induced to expreſs that 'favour ſo ſoon to any Perſons, as to thoſe whoſe good demeanor ſhall be eminent 'in, or to His Parliament; and if he now hath, or ſhall at any time by mis-'information, confer ſuch a Truſt upon an undeſerving Perſon, he is, and will 'always be ready to leave him to the Wiſdom and Juſtice of his Parliament.

'For the Militia of the Kingdom, (which by the Law is ſubject to no com-'mand, but of His Majeſty, and of Authority lawfully derived from him) 'when any particular Courſe, for the ordering the ſame (which His Majeſty 'holds very neceſſary for the Peace and Security of his Kingdom) ſhall be con-'ſidered and digeſted by his Parliament, and propoſed to His Majeſty; His Ma-'jeſty will return ſuch an Anſwer, as ſhall be agreeable to his Honour, and the 'ſafety of his People; His Majeſty being reſolved only to deny thoſe things, 'the granting whereof would alter the Fundamental Laws, and endanger the 'very Foundation, upon which the publick Happineſs and Welfare of his People 'is founded and conſtituted, and would nouriſh a greater and more deſtructive 'Jealouſie between the Crown and the Subject, then any of thoſe which ſeem 'to be taken away by ſuch a ſatisfaction. And His Majeſty doth not doubt, 'that his having granted more than ever King hath granted, will ever perſwade 'His Houſe of Commons to ask more then ever Subjects have asked, and if they 'ſhall acquaint His Majeſty with the particular Grounds of their Doubts and 'Fears, he will very willingly apply Remedies proportionable to thoſe Fears; for 'His Majeſty calls God to witneſs, that the Preſervation of the publick Peace, 'the Law, and Liberty of the Subject is, and ſhall always be as much His Ma-'jeſty's Care and Induſtry, as of his own life, or the lives of his deareſt 'Children. And therefore His Majeſty doth conjure His Houſe of Commons 'by all the Acts of Duty and Favour they have received from him this Parlia-'ment, by their hopes of future Happineſs in His Majeſty, and in one another, 'by their love of Religion, and the Peace of this Kingdom (in which that of 'Ireland cannot be forgotten) that they will not be tranſported by Jealouſies and 'Apprehenſions of poſſible Dangers, to put themſelves or His Majeſty into real 'and preſent Inconveniencies; but that they will ſpeedily purſue the way pro-'poſed by His Majeſty's former Meſſage, which in human Reaſon is the only 'way to compoſe the Deſtractions of the Kingdom, and with God's bleſſing will 'reſtore a great meaſure of Felicity to King and People.

To the King's moſt Excellent Majeſty.

The humble Petition of the Lords and Commons aſſembled in Parliament.

Moſt Gracious Sovereign,

Petition delivered the 2d. of *Feb.* for putting the Militia into ſuch hands as ſhould be recommended by both Houſes.

THE preſent Evils and Calamities wherewith your Kingdoms are moſt miſerably intangled, the imminent Dangers which threaten your Royal Perſon, and all your People, have cauſed us your moſt faithful and obedient Subjects, the Lords and Commons in this preſent Parliament, with thankfulneſs to entertain, and with all earneſtneſs of affection and endeavour to purſue the gracious Propoſition and Direction, which not long ſince we have received from your Majeſty. And we have thereupon taken into our moſt ſerious conſideration the ways and means of ſecuring the ſafety of your Royal Perſon, preſerving the Honour and Authority of your Crown, removing all Jealouſies betwixt your Majeſty and your People, ſuppreſſing the Rebellion in Ireland, *preventing the Fears and Dangers in this Kingdom, and the miſchievous Deſigns of thoſe who are Enemies to the Peace of it. And that we may with more comfort and ſecurity accompliſh our duties herein, We moſt humbly beſeech your Majeſty, That you will be pleaſed forthwith to put the* Tower *of* London, *and all other Forts and the whole Militia of the Kingdom, into the hands of ſuch perſons as ſhall be recommended unto your Majeſty by both Houſes of Parliament. Which they aſſure themſelves will be a hopeful entrance into thoſe Courſes, which (through God's bleſſing) ſhall be effectual for the removing all Diffidence and Miſapprehenſion betwixt your Majeſty and your People, and for eſtabliſhing and enlarging the Honour, Greatneſs, and Power of your Majeſty and Royal Poſterity, and for the reſtoring and confirming the Peace and Happineſs of your Loyal Subjects in all your Dominions. And to this our moſt neceſſary Petition, we in all humility expect your Majeſty's ſpeedy and gracious Anſwer, the great Diſtractions and Diſtempers of the Kingdom not admitting any delay.*

His

17 *Caroli.*

His Majeſty's Anſwer.

King's Anſwer.

'HIS Majeſty having well conſidered of this Petition, and being deſirous to 'expreſs how willing he is to apply a Remedy, not only to your *Dangers*, 'but even to your *Doubts* and *Fears*, he therefore returns this Anſwer, That 'when he ſhall know the *extent of Power* which is intended to be eſtabliſht in 'thoſe Perſons whom you deſire to be Commanders of the *Militia*, in the ſeveral 'Counties, and likewiſe to *what time* it ſhall be limited, that no Power 'ſhall be executed by His Majeſty alone, without the Advice of Parliament, then 'he will declare That (for the ſecuring you from all Dangers or Jealouſies of any) 'His Majeſty will be content to put in all the Places, both of *Forts amd Militia* 'in the ſeveral Counties, ſuch Perſons as both the Houſes of Parliament ſhall ei-'ther *approve*, or *recommend* unto him, ſo that you declare before unto His Ma-'jeſty *the Names* of the Perſons whom you approve or recommend, unleſs ſuch Per-'ſons ſhall be named againſt whom he ſhall have *juſt* and unqueſtionable exception.

A Meſſage from His Majeſty to the Houſe of Peers, on Friday *the* 11th. *of* February, 1641. *concerning his acceptance of Sir* John Coniers, *in the Place of Sir* John Biron, *to be* Lieutenant *of the* Tower.

Concerning the Lieutenant of the *Tower*.

'ALthough His Majeſty conceives that he is not obliged to give an Anſwer in 'any particular, concerning the Forts and Militia of the Kingdom, until he 'ſhall know and conſent to the power and the time, how and to whom, the Forts 'and Militia ſhall be diſpoſed. Yet to ſhew his real Intention, to ſatisfie the *Fears* 'of his People, he is content to accept of Sir *John Coniers*, in the place of Sir *John* '*Biron*, for to be Lieutenant of the *Tower* of *London*, having already at his earneſt 'deſire, received the Surrender of the ſaid place from him.

An Ordinance of both Houſes of Parliamemt, for the ordering of the Militia of the Kingdom of England, *and Dominion of* Wales.

The Form of the Ordnance for the Militia preſented to His Majeſty with a Petition deſiring his Conſent to the ſame.

WHereas there hath been of late a moſt dangerous and deſperate Deſign upon the Houſe of Commons, which we have juſt cauſe to believe to be an effect of the bloody Councels of Papiſts, and other ill affected Perſons, who have already raiſed a Rebellion in the Kingdom of *Ireland*; and by reaſon of many Diſcoveries, we cannot but fear, they will proceed, not only to ſtir up the like Rebellion and Inſurrections in this Kingdom of *England*; but alſo to back them with Forces from abroad. For the ſafety therefore of His Majeſty's Perſon, the Parliament and Kingdom in this time of imminent danger. It is ordained by the King, the Lords and Commons now in Parliament aſſembled, that ſhall have power to aſſemble and call together all ſingular His Majeſty's Subjects within the County of as well within the Liberties as without, that are meet and fit for the Wars, and them to Train, Exerciſe, and put in Readineſs, and them after their Abilities and Faculties well and ſufficiently from time to time to cauſe to be arraied and weaponed, and the Muſter of them to be taken in places moſt fit for that purpoſe. And ſhall have power within the ſaid County, to nominate and appoint ſuch Perſons of Quality as to him ſhall ſeem meet to be his Deputy Lieutenants, to be approved of by both Houſes of Parliament, and that any one or more of the ſaid Deputies ſo aſſigned and approved of, ſhall in the abſence, or by the command of the ſaid have Power and Authority to do and execute within the County all ſuch Powers and Authorities before in this preſent Ordinance contained, and ſhall have power to make Colonels and Captains, and other Officers, and to remove out of their places, and to make others, from time to time, as he ſhall think fit for that purpoſe; and his Deputies, Colonels, and Captains, and other Officers ſhall have further Power and Authority to Lead, Conduct, and Imploy the foreſaid arraied and weaponed, as well within the County of, as within any other part of this Realm of *England*, or Dominion of *Wales*, for the ſuppreſſion of Rebellions, Inſurrection, and Invaſions that may happen, according as they from time to time ſhall receive directions by his Majeſty's Authority, ſignified unto them by the Lords and Commons aſſembled in Parliament.

And

17 *Caroli.*

And it is further ordained; that ſuch Perſons as ſhall not obey in any of the premiſſes, ſhall Anſwer their neglect and contempt to the Lords and Commons in a Parliamentary way, and not otherwiſe nor elſe where, and that every the powers granted, as aforeſaid ſhall continue, until it ſhall be otherwiſe ordered or declared by both Houſes of Parliament, and no longer.

This to go alſo to the Dominion of *Wales*.

John Brown, *Cler. Parliament.*

A Liſt of thoſe Perſons nominated and recommended by the Houſe of Commons to His Majeſty: As Perſons fit to be Entruſted with the Militia of the Kingdom, wherein they deſire the Concurrence of the Houſe of Peers.

Names of the Perſons recommended by the Commons to be truſted with the Militia, *Feb.* 12. 1641.

Barkſhire, Earl of *Holland*; *Bedfordſhire*, Earl of *Bullingbrook*; *Buckinghamſhire*, Lord *Paget*; *Cambridgeſhire* and the Iſle of *Ely*, Lord *North*; *Cheſhire* and the County and City of *Cheſter*, Lord *Strange*; *Cornwal*, Lord *Roberts*; *Cumberland*, Lord *Gray* of *Wark*; *Derby*, Earl of *Rutland*; *Devonſhire* and of the County and City of *Exon*, Earl of *Bedford*; *Dorſetſhire* and the County of the Town of *Pool*, Earl of *Salisbury*; for the Iſle of *Purbeck*, County of *Dorſet*, Sir *John Banks*, Knight, Lord Chief Juſtice of the Common Pleas, and Conſtable of *Corff-Caſtle*; *Durham*, Sir *Henry Vane*, Sen. *Eſſex*, Earl of *Warwick*; *Glouceſterſhire* and of the County and City of *Glouceſter*, Lord *Shandois*; *Hampſhire* and of the Town and County of *Southampton*, and of the Iſle of *Wight*, Earl of *Pembroke*; *Hartfordſhire*, Earl of *Salisbury*; *Herefordſhire*, Lord *Dacres*; *Huntingtonſhire*, Lord *Mandevile*; *Kent* and the City and County of *Canterbury*, Earl of *Leiceſter*; County of *Lancaſter*, Lord *Wharton*; *Leiceſter*, Earl of *Stamford*; *Middleſex*, Earl of *Holland*; County of *Northampton*, Lord *Spencer*; *Nottingham*, and of the Town and County of *Nottingham*, Earl of *Clare*; *Northumberland*, and of the Town and County of *Newcaſtle*, and of the Town of *Barwick*, Earl of *Northumberland*; *Norfolk*, and of the County and City of *Norwich*, Earl of *Warwick*; *Oxfordſhire*, Lord Viſcount Say and Seal; *Rutland*, Earl of *Exon*; *Salop*, Lord *Littleton*, Lord Keeper of the great Seal of *England*; *Somerſet*, Marquis *Hertford*.

That the Lieutenant of the County of *Worceſter*, ſhall be nominated before *Somerſet*.

Staffordſhire, and of the County of the City of *Lichfield*, Earl of *Eſſex*; *Suffolk*, Earl of *Suffolk*; *Surry*, Earl of *Nottingham*; *Suſſex*, Earl of *Northumberland*; *Warwick*, and of the County of the City of *Coventry*, Lord *Brook*; *Weſtmerland*, Earl of *Cumberland*; *Wiltſhire* Earl of *Pembroke*; *Wigorn*, and of the County of the City of *Worceſter*, Lord *Edward Howard* of *Eſcrig*; for the County and City of *Briſtol*, Mr. *Denzil Hollis*; *Yorkſhire*, and of the County of the City of *York*, and of the County of the Town of *Kingſtone* on *Hull*, Earl of *Eſſex*; of the parts of *Keſtaven* and *Holland*, and the County of the City of *Lincoln*, Earl of *Lincoln*; for the parts of *Lindſay* in the County of *Holland*, Lord *Willoughby* of *Parham*; *Monmouth*, Lord *Philip Herbert*; Iſle of *Angleſey*, Earl of *Northumberland*; *Brekknock*, Lord *Philip Herbert*; *Cardigan*, Earl of *Carbery*; *Carmarthen* and *Carmarthen* Town, Earl of *Carbery*; *Carnarvan*, Earl of *Pembroke*; *Denbigh*, Lord *Fielding*; *Flintſhire*, Lord *Fielding*; *Glamorgan*, Lord *Philip Herbert*; *Montgommery*, Earl of *Eſſex*; *Merioneth*, Earl of *Pembroke*; *Pembroke*, and the Town of *Haverford* Weſt, Earl of *Northumberland*; *Radnor*, Lord *Littleton*, Lord Keeper of the Great Seal of *England*.

That for the Levying, Ordering and Exerciſing of the Militia of the City of *London*, Power is given unto Sir *John Gaire*, Sir *Jacob Garret*, Knights and Aldermen, *Thomas Atkin*, Alderman, Sir *John Wollaſtone*, Knight and Alderman, *John Warner*, Alderman, and *John Towſe*, Alderman, Serjant Major General *Skippon*, or any three or more of them, *Randolph Manwaring*, *William Gibs*, *John Fowke*, *James Bunce*, *Francis Peck*, *Samuel Warner*, *James Ruſſel*, *Nathaniel Wright*, *William Barkley*, *Alexander Norminghton*, *Stephan Eſtweek*, *Owen Rowe*, Citizens of *London*, or any ſix or more of them.

His Majeſty reſpites his Anſwer touching the Ordinance for ſettling the Militia.

His Majeſties Meſſage to both Houſes, concerning the Militia.

'HIs Majeſty having received an Humble Petition of the Lords and Commons, by the Hands of the Earls of *Cariſle* and *Monmouth*, returns this

'Anſwer,

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'Answer, That his dearest Consort the Queen, and his dear Daughter the 'Princess *Mary*, being now upon their departure for *Holland*, he cannot have so 'good time to consider of a particular Answer, for a Matter of so great weight 'as this is, therefore he must respite the same until his return.

To the King's most Excellent Majesty.

The Humble Petition of the Lords and Commons, concerning this Message.

Petition of the Parliament dissatisfied with the said Message *Feb.* 22. 1641.

MAy it please your most Excellent Majesty, your Humble and Loyal Subjects, the Lords and Commons, have with a great deal of grief received your Majesties Answer to their just and necessary Petition, concerning the Militia *of the Kingdom; which your Majesty by a Gracious Message formerly sent unto them, was pleased* to promise, *should be put into such Hands as your Parliament should approve of, or recommend unto you; the extent of their power, and the time of their continuance being likewise declared. That being done, and the Persons by both Houses nominated, your Majesty, never the less, refers your Resolution herein to a longer and a very uncertain time, which (the present dangers and distractions so great and pressing) is as unsatisfactory and destructive, as an* absolute denial.

Therefore, we once again beseech your Majesty, to take our desire into your Royal thoughts, and to give us such an Answer, as may raise in us a confidence that we shall not be exposed to the practices of those, who thirst after the Ruine of this Kingdom, and the kindling of that combustion in England, *which they have, in so great a measure effected in* Ireland; *from whence (as we are dayly informed) they intend and endeavour to invade us, with the assistance of the Papists here amongst us.*

Nothing can prevent these evils, nor enable us to suppress the Rebellion in Ireland, *and secure our selves, but the instant granting of that Humble Petition, which we hope your Majesty will not deny to those, who must in the discharge of their duties both to your Majesty and the Commonwealth, represent unto your Majesty what they find so absolutely necessary; for the preservation of both, which the Laws both of God and Man enjoyn them to see put in Execution, as several Counties by their dayly Petitions have desired of us, and in some places begun already to do it of themselves.*

CHARLES Rex.

To Our Trusty and Wel-beloved Councellor *Edward* Lord *Littleton*, Keeper of the Great Seal.

The King's Letter concerning the Militia.

RIght Trusty and Right Wel beloved Councellor. We greet you well; our Will and Pleasure is, that you deliver to be read in the House of Peers, this our Answer, to the desire from both Houses, concerning the Militia, *and for so doing, this shall be your sufficient Warrant.*

Given at our House at *Greenwich*, the 28th of *February*, 1641.

His Majesties Answer *to both Houses of Parliament, concerning the* Militia. *Feb.* 28, 1641.

His Majesties Answer, *Feb.* 28. about the Ordinance for settling the Militia.

'HIs Majesty having with his best Care and Understanding, perused and 'considered, that which was sent him from both Houses, for the ordering 'of the Militia, presented unto him to be made an Ordinance of Parliament, 'by the giving of his Royal Assent; as he can by no means do it for the Reasons 'hereafter mentioned, so he doth not conceive himself obliged *by any promise* 'made in his Answer of the second of this Month, to the Petition of both Houses 'to yield the same.

'His Majesty finds great cause to except against the Preface or Introduction to 'that order, which confesseth a most dangerous and desperate Design upon the 'House of Commons, of late supposed to be an effect of the Bloody Councils of 'Papists, and other ill-affected Persons, by which many may understand (look-

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'ing upon other printed Papers to that purpoſe) his coming in Perſon to the 'Houſe of Commons, on the 4th of *January*, which begot ſo unhappy a miſun-'derſtanding between him and his People; and for that, *tho he believes it upon the 'Information ſince given, to be* an apparent *breach of their Priviledge*, and hath offered 'to repair the ſame for the future, by any Act that ſhall be deſired of his Majeſty, 'yet he muſt Declare, and require to be believ'd, that he had no other Deſign 'upon that Houſe, or any Member of it, then to require (as he did) the Perſons 'of thoſe five Gentlemen, his Majeſty had the day before accuſed of High-Trea-'ſon; and to Declare, that he meant to proceed againſt them legally and ſpee-'dily, upon which he believed that Houſe would have delivered them up, and 'his Majeſty *calls the Almighty God to Witneſs*, that he was ſo far from any intention 'or thought of force or violence, altho that Houſe had not delivered them ac-'cording to his Demand, or in any Caſe whatſoever, that he gave thoſe his Ser-'vants, and others, that waited on his Majeſty, expreſs charge and command, 'that they ſhould give no offence to any man; nay, if they received any provo-'cation or injury, that they ſhould bear it without return; and his Majeſty nei-'ther ſaw or knew, that any Perſon of his Train had any other Weapons, but 'his Pentioners and Guards thoſe with which they uſually attend his Majeſty, 'and the other Gentlemen, Swords. And therefore his Majeſty doubts not, but 'his Parliament will be regardful of his Honour herein, that he ſhall not under-'go any imputation by the raſh or indiſcreet expreſſions of any Young Men then 'in his Train, or by any deſperate Words uttered by others, who might mingle 'with them without his Conſent or Approbation.

'For the Perſons nominated to be Lieutenants of the ſeveral Counties of *Eng-'land* and *Wales*, his Majeſty is contented to allow that recommendation, only 'concerning the City of *London*, and ſuch Corporations, as by Ancient Charters 'have granted unto them the power of the Militia, his Majeſty doth not conceive, 'that it can ſtand with Juſtice or Polity to alter their Government in that par-'ticular.

'And his Majeſty is willing forthwith to grant every of them, (that of *London*, 'and thoſe other Corporations excepted,) ſuch Commiſſions, as he hath done du-'ring this Parliament to ſome Lord Lieutenants by your advice, but if that power 'be not thought enough, but that more ſhall be thought fit to be granted to theſe 'Perſons named, then by the Law is in the Crown it ſelf; His Majeſty holds it 'reaſonable, that the ſame be by Law firſt veſted in him, with power to transfer 'it to theſe Perſons, which he will willingly do; and what ever that power ſhall 'be, to avoid all future doubts and queſtions, His Majeſty deſires, it may be 'digeſted into an Act of Parliament rather then an Ordinance; ſo that all his 'loving Subjects may thereby particularly know, both what they are to ſuffer, 'and what they are not to ſuffer, for their neglect, that there be not the leaſt 'latitude for his good Subjects to ſuffer under any Arbitrary power whatever.

'As to the time deſir'd for the continuance of the powers to be granted, his 'Majeſty giveth this Anſwer; that he cannot conſent to deveſt himſelf of the 'Juſt power, which God and the Laws of this Kingdom have placed in him for 'the Defence of his People, and to put it into the Hands of any other for any 'indefinite time. And ſince the ground of this Requeſt from his Parliament, 'was to ſecure their preſent Fears and Jealouſies, that they might with ſafety ap-'ply themſelves to the matter of his Meſſage of the 20th. of *January*; His Maje-'ſty hopeth, that his Grace to them, ſince that time, in yielding to ſo many of 'their deſires, and in agreeing to the Perſons now recommended to him by his 'Parliament, and the power before expreſſed to be placed in them, will who-'ly diſpel thoſe Fears and Jealouſies; and aſſureth them, that as his Majeſty 'hath now applied this unuſual Remedy to their Doubts, ſo (if there ſhall be 'Cauſe) he will continue the ſame to ſuch time as ſhall be agreable to the ſame 'care he now expreſſeth toward them.

'And in this Anſwer, his Majeſty is ſo far from recei'ing from any thing he 'promiſed, or intended to grant in his Anſwer to the former Petition; that his 'Majeſty hath hereby conſented to all was then aſked of them by that Petition 'concerning the Militia of the Kingdom, (except that of *London*, and thoſe o-'ther Corporations,) which was to put the ſame into the Hands of ſuch Perſons 'as ſhould be recommended unto him by both Houſes of Parliament: And his 'Majeſty doubts not, but the Parliament upon well weighing the particulars of 'this his Anſwer, will find the ſame more ſatisfactory to their ends, and the

'peace

17 *Caroli.*

'peace and welfare of all his good Subjects, then the way propoſed by this intend-
'ed Ordinance, to which, for theſe Reaſons his Majeſty cannot conſent.

'And whereas his Majeſty obſerves by the Petition of both Houſes preſented
'to him by the Earl of *Portland*, Sir *Tho. Heal*, and Sir *Will. Savile*, that in ſome
'places ſome perſons begin already to intermeddle of themſelves with the Mili-
'tia, his Majeſty expecteth that his Parliament ſhould examine the particulars
'thereof, it being a matter of High Concernment and very great Conſequence.

'And his Majeſty requireth, that if it ſhall appear to his Parliament, That
'any perſons whatſoever have preſumed to Command the Militia without
'Lawful Authority, they may be proceeded againſt according to Law.

The Petition of both Houſes of Parliament concerning the Militia, *&c.*

Preſented to His Majeſty at *Theobalds*, 1 *Martii*, 1641.

Moſt Gracious Sovereign,

Petition preſented to his Majeſty, 1 *March* 1641. at *Theobalds* touching the Militia.

YOur Majeſty's moſt Loyal and Obedient Subjects, the Lords and Commons in Parliament, do find their juſt Apprehenſions of Sorrow and Fear, in reſpect of the publick Dangers and Miſeries like to fall upon your Majeſty and the Kingdom, to be much increaſed, upon the receit of your unexpected denial of their moſt humble and neceſſary Petition, concerning the Militia of the Kingdom, eſpecially grieving, that wicked and miſchievous Councellors, ſhould ſtill have that power with your Majeſty, as in this time of imminent and approaching ruin, rather to incline your reſolutions to that which is apt to further the accompliſhment of the deſires of the moſt malignant Enemies of God's true Religion, and the peace and ſafety of your Self and your Kingdom than to the dutiful and faithful counſel of Your Parliament: Wherefore they are enforced in all humility, to proteſt that if Your Majeſty ſhall perſiſt in that denial, the dangers and diſtempers of the Kingdom are ſuch, as will endure no longer delay: But unleſs you ſhall be graciouſly pleaſed to aſſure them by theſe Meſſengers; that you will ſpeedily apply your Royal Aſſent to the ſatisfaction of their former deſires, they ſhall be inforced, for the ſafety of Your Majeſty and Your Kingdoms, to diſpoſe of the Militia by the authority of both Houſes, in ſuch manner as hath been propounded to Your Majeſty, and they reſolve to do it accordingly.

They likewiſe moſt humbly beſeech Your Majeſty to believe, that the dangerous and deſperate deſign upon the Houſe of Commons, mentioned in their preamble, was not inſerted with any intention to caſt the leaſt aſperſion upon Your Majeſty, but herein they reflected upon that malignant party of whoſe bloody and malicious practices they have had ſo often experience, and from which they can never be ſecure, unleſs Your Majeſty will be pleaſed to put from you thoſe wicked and unfaithful Counſellors, who interpoſe their own corrupt and malicious deſigns betwixt Your Majeſties goodneſs and wiſdom, and the proſperity and contentment of Your Self, and of your People: and that for the diſpatch of the great affairs of the Kingdom, the ſafety of your Perſon, the protection and comfort of your Subjects, you will be pleaſed to continue your abode near to London *and the Parliament, and not to withdraw your ſelf to any the remoter parts; which if Your Majeſty ſhould do, muſt needs be a cauſe of great danger and diſtraction.*

That Your Majeſty will likewiſe be graciouſly pleaſed to continue the Prince his Highneſs in theſe parts at Saint James's *or any other of your Houſes near* London, *whereby the deſigns which the Enemies of the Religion and Peace of this Kingdom may have upon his perſon, and the jealouſies and fears of your people may be prevented. And they beſeech Your Majeſty to be informed by them, that* by the Laws of the Kingdom, the power of raiſing, ordering, and diſpoſing of the Melitia, within any City, Town or other place, cannot be granted to any Corporation by Charter, or otherwiſe, without the authority and conſent of Parliamant; *and that thoſe parts of the Kingdom which have put themſelves in a poſture of defence againſt the Common Danger, have therein done nothing but according to the Declaration and direction of both Houſes, and what is juſtifiable by the Laws of the Kingdom.*

All which their moſt humble counſel and deſires, they pray Your Majeſty to accept, as the effect of that Duty and Allegiance which they owe unto You, and which will not ſuffer them to admit of any thoughts, intentions, or endeavours, but ſuch as are neceſſary and advantagious for Your Majeſty's Greatneſs and Honour, and the Safety and Proſperity of the Kingdom, according to that Truſt and Power which the Laws have repoſed in them.

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His Majeſties Anſwer to the Petition of both Houſes, preſented the firſt of March 1641.

King's Anſwer *March.* 2.

'I Am ſo much amazed at this Meſſage, that I know not what to anſwer: 'You ſpeak of Jealouſies and Fears: Lay your hands to your hearts, and 'ask your Selves whether I may not likewiſe be diſturbed with Fears and Jea-'louſies: And if ſo, I aſſure you this Meſſage hath nothing leſſened them.

'For the Militia, I thought ſo much of it before I ſent that Anſwer, and am 'ſo much aſſured that the Anſwer is agreeable to what in Juſtice or Reaſon you 'can ask, or I in Honour grant, that I ſhall not alter it in any point.

'For my reſidence near you, I wiſh it might be ſo ſafe and honourable, that 'I had no cauſe to abſent my ſelf from *White-Hall*; ask your ſelves whether I 'have not.

'For my Son, I ſhall take that care of him, which ſhall juſtifie me to God as 'a Father, and to my Dominions as a King.

'To conclude; I aſſure you upon my Honour, that I have no thought but of 'Peace and Juſtice to my People, which I ſhall by all fair means ſeek to pre-'ſerve and maintain, relying upon the goodneſs and providence of God for the 'preſervation of my Self and Rights.

VOTES upon His Majeſtys laſt Anſwer, concerning the Militia, reſolved upon by the Houſe of Commons:

Votes of the Commons touching the Militia, and the King's laſt Anſwer.

Reſolved, &c. That this Anſwer of his Majeſty is a denial to the deſires of both Houſes of Parliament, concerning the Militia.

Reſolved, &c. That thoſe that adviſed his Majeſty to give this Anſwer, are Enemies to the State, and miſchievous Projectors againſt the defence of the Kingdom.

Reſolved, &c. That this denial is of that dangerous conſequence, that if his Majeſty ſhall perſiſt in it; it will hazard the peace and ſafety of all his Kingdoms, unleſs ſome ſpeedy remedy be applied by the wiſdom and authority of both Houſes of Parliament.

Reſolved, &c. That ſuch parts of this Kingdom, as have put themſelves into a poſture of defence againſt the Common Danger, have done nothing but what is juſtifiable, and is approved by the Houſe.

Reſolved, &c. That if his Majeſty ſhall remove into any remote parts from his Parliament, it will be a great hazard to the Kingdom, and a great prejudice to the proceedings of the Parliament.

Reſolved, &c. That this Houſe holds it neceſſary, that his Majeſty may be deſired, that the Prince may come unto Saint *James's*, or to ſome other convenient place near about *London*, and there to continue.

Reſolved, &c. That the Lords be deſired to joyn with this Houſe in an humble requeſt unto his Majeſty; that he will be pleaſed to reſide near his Parliament, that both Houſes may have a convenience of acceſs unto him upon all occaſions.

Reſolved, &c. That the Lords be moved to joyn with this Houſe in ſome fit courſe of examination, to find who were the perſons that gave his Majeſty this advice, that they may be removed from his Majeſty, and brought to condign puniſhment.

Reſolved, &c. That no Charter can be granted by the King; to create a power in any Corporation, over the Militia of that place, without conſent of Parliament.

Reſolved, &c. That the Lords ſhall be moved to joyn with this Houſe in theſe Votes.

Reſolved, &c. That the Lords ſhall be deſired to appoint a Select Committee, that may joyn with a Committee of a proportionable number of this Houſe; to conſider, and prepare what is fit to be done upon theſe Votes, or upon any thing elſe that may ariſe upon this anſwer of his Majeſty concerning the Militia, and concerning the Prince.

Whilſt the Parliament were thus buſie in debates touching the ordering of

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the Militia, for the ſeveral Counties: Some declared their Opinions, that the power of the *Militia* was ſolely in the King, and ought to be left to him, and that the Parliament never did, nor ought to meddle with the ſame. *17 Caroli.*

Others were of Opinion, that the *King* had not this power in him, but that it was *in the Parliament*, and that if the King refuſed to order it according to the advice of the Parliament, that then they by the Law might do it *without* him, and this was moved to be now done by the Parliament, the King having denied their former *Petitions*, for ſetling of the Militia as they deſired. Several Opinions, even in the Houſe, about the Right of Diſpoſing the Militia.

Upon this Debate this Speech was made.

Mr. Speaker,

I Have often heard it ſaid in former Debates in other matters, in this Houſe, that ſuch and ſuch a thing was of a great Concernment, *as ever came within theſe Walls*, I am ſure it may be ſaid ſo of the matter of your preſent debate; it is truly of the greateſt concernment that ever came within theſe Walls. *Whitlock*, fo. 53. A Speech thereupon.

It highly concerns us all, and our poſterity after us, where the power of this Militia ſhall be placed; this great power, which indeed commands all men, and all things cannot be too warily lodged, nor too ſeriouſly conſidered; and I do heartily wiſh that this Great Word, this New Word, the Militia, this Harſh Word might never have come within theſe Walls; but that this Houſe might be as the Temple of *Janus*, ever ſhut againſt it: I take the meaning of thoſe Gentlemen, who introduced this Word to be, the power of the Sword, *Poteſtas Gladii*, which is a great and neceſſary power, and properly belonging to the Magiſtrate, *Poteſtas Gladii in Facineroſos*, without which our Peace and Proſperity cannot be maintained.

But *Poteſtas Gladii in manibus Facineroſorum* in the hands of Soldiers, is that whereof you now debate, and it is beſt out of their hands, I hope it will never come there; ſome worthy Gentlemen have declared their Opinions, that this power of the Militia is by Right and Law in the King only; others affirm it to be in the Parliament only. I crave pardon to differ from both theſe opinions, I humbly apprehend that this power of the Militia, is neither in the King only, nor in the Parliament, and if the Law hath placed it any where, it is both in the King and Parliament, when they joyn together.

And it is a wiſe Inſtitution of our Law, not to ſettle this power any where, but rather to leave it in *Dubio*, or in *Nubibus*, that the people might be kept in ignorance thereof, as a thing not fit to be known, nor to be pried into; it is the great *Arcanum Imperii*, and the leſs it is meddled with, the leſs acquaintance we have with it, the better it will be for all ſorts of perſons, both for King and people.

That this power of the Militia, is not in the King only, appears in this, that the power of mony is not in the King; but it will be granted here that the power of mony is ſolely in this Houſe; and without the power of mony to pay the Soldiers, the power of the Militia will be of little force.

But if the power of the Militia ſhould be in the King, yet the power of mony being in the Parliament, they muſt both agree, or elſe keep the Sword in the Scabbard, which is the beſt place for it.

It is true, that the King by his Tenures may require the Service in War of thoſe that ho'd of him, but if they ſtay above forty days with him, unleſs he give them pay, they will ſtay no longer.

And it is alſo true (as hath been obſerved) that our Law looks upon the King, as the Jewiſh Law did upon theirs, that by his Kingly Office, he is to go in and out before the people, and to lead them in Battle againſt their Enemies, but by the Laws of the *Jews*, their King could not undertake a War abroad without the conſent of the great *Sanhedrim*.

And by our Law, as is declared by the Statute of 1. *E.* 3. and by divers ſubſequent Statutes, the King can compel no man to go out of his Country, but upon the ſudden coming of ſtrange Enemies into the Realm; and how many of our Parliament Rolls do record that the King adviſed with his Parliament about his Forraign Wars, and could not undertake them without the advice and ſupplies of the Parliament.

All power of the Militia is exerciſed either in offence or defence, defence is either againſt the invaſion of Enemies from abroad, or againſt Inſurrections at home.

Againſt Inſurrections at home, the Sheriff of every County hath the power of the

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the Militia in him, and if he be negligent to ſuppreſs them with the *Poſſe Commitatus* he is finable for it.

Againſt Invaſions from abroad, every man will be forward to give his Aſſiſtance, there will be little need to raiſe forces when every man will be ready to defend himſelf and to fight *pro Aris & Focis*.

As to Offenſive War againſt a Foreign Enemy, if the King will make it of himſelf, he muſt of himſelf pay his Army, which his own Revenue will hardly afford, nor can he compel any of his Subjects to ſerve him in thoſe Wars; none can by Law be preſſed to ſerve in the War, but by Act of Parliament.

But not to waſte more of your time, Sir, I ſhall conclude that in my humble opinion, the power of the Militia is neither in the King alone nor in the Parliament, but if any where, in the Eye of our Law, it is in the King and Parliament, both Conſenting together.

And I think it beſt that it ſhould be there ſtill, I cannot joyn in that advice to you, to ſettle the Militia of our ſelves without the King, but rather with thoſe worthy Gentlemen who have moved, that we yet again ſhould petition his Majeſty, that the Militia may be ſettled in ſuch hands, as both he and you ſhall agree upon, whom you may truſt, and who, I hope, will be more careful to keep it ſheathed than to draw it.

But notwithſtanding theſe and the like motions, the major part were for the Militia to be ſetled by Ordinance.

Queſtions reſolved upon by both Houſes of Parliament, with an Order for the ſpeedy Rigging of the Navy, *for the Defence of the Kingdom.*

March. 2. 1641. Kingdom to be put into a Poſture of Defence.

Reſolved, &c. That the Kingdom be forthwith put into a poſture of defence, by Authority of both Houſes, in ſuch a way as is already agreed upon by both Houſes of Parliament.

Reſolved, &c. That the Lords be deſired to joyn with the Houſe of Commons in this Vote.

Reſolved, &c. That a Committee ſhall be appointed to prepare a Declaration upon theſe two Heads, *viz.*

Firſt, To lay down the juſt Cauſe of the Fears and Jealouſies given to theſe Houſes; and to clear theſe Houſes from any Jealouſies conceived againſt them.

Second, And to conſider all matters that may ariſe upon this Meſſage of His Majeſty, and to declare their Opinions what is fit to be done thereupon.

An Ordnance of the Lords and Commons in Parliament aſſembled, for ſettling the Militia, for the Safety and Defence of the Kingdom of England *and Dominion of* Wales.

Parliaments Ordnance for the Militia *March* the 5th. 1642.

WHereas there hath been of late a moſt dangerous and deſperate Deſign upon the Houſe of Commons, which we have juſt cauſe to believe to be an effect of the bloody Councils of Papiſts and other ill-affected Perſons, who have already raiſed a Rebellion in the Kingdom of *Ireland*, and by reaſon of many diſcoveries, we cannot but fear they will proceed not only to ſtir up the like Rebellion and Inſurrections in this Kingdom of *England*, but alſo to back them with Forces from abroad.

For the Safety therefore of His Majeſty's Perſon, the Parliament and Kingdom in this time of imminent Danger.

It is ordained by the Lords and Commons now in Parliament aſſembled, That *Henry* Earl of *Holland* ſhall be Lieutenant of the County of *Berks*, *Oliver* Earl of *Bullingbrook* ſhall be Lieutenant of the County of *Bedford*, *William* Lord *Paget* ſhall be Lieutenant of the County of *Buckingham*, *Dudley* Lord *North* ſhall be Lieutenant of the County of *Cambridge* and the *Iſle* of *Ely*, *James* Lord *Strange* ſhall be Lieutenant of the County of *Cheſter*, *John* Lord *Roberts* ſhall be Lieutenant of the County of *Cornwall*, *William* Lord *Gray* of *Wark*, ſhall be Lieutenant of the County of *Cumberland*, *John* Earl of *Rutland*, ſhall be Lieutenant of the County of *Derby*, *William* Earl of *Bedford* ſhall be Lieutenant for the County of *Devon*, and the City of the County of *Exeter*, Sir *John Banks* Knt. Lord

17 *Caroli.*

Lord Chief Juſtice of the *Common-Pleas*, ſhall be Lieutenant of the *Iſle* of *Purbeck*, and Conſtable of *Corff-Caſtle*, in the County of *Dorſet*, *William* Earl of *Sailsbury* ſhall be Lieutenant of the County of *Dorſet*, and the County and Town of *Pool*, Sir *Henry Vane Senior* ſhall be Lieutenant of the County *Palatine* of *Durham*, *Robert* Earl of *Warwick* ſhall be Lieutenant of the County of *Eſſex*, *George* Lord *Chandois* ſhall be Lieutenant of the County of *Glouceſter*, and the County of the City of *Glouceſter*, *Phillip* Earl of *Pembrook* and *Mountgomery* ſhall be Lieutenant of the County of *Southampton*, the Town and County of *Southampton* and the *Iſle* of *Wight*, *William* Earl of *Sailsbury* ſhall be Lieutenant of the County of *Hertford*, *Francis* Lord *Dacres* ſhall be Lieutenant of the County of *Hereford*, *Edward* Lord *Kimbolton*, ſhall be Lieutenant of the County of *Huntington*, *Robert* Earl of *Leiceſter* Lord Lieutenant of *Ireland* ſhall be Lieutenant of the County of *Kent*, and the City and County of *Canterbury*, *Phillip* Lord *Wharton*, ſhall be Lieutenant of the County of *Lancaſter*, *Theophilus* Earl of *Lincoln* ſhall be Lieutenant of the Parts of *Keſteven* and *Holland* within the County of *Lincoln*, and for the County of the City of *Lincoln*, *Francis* Lord *Willoughby* of *Parham* ſhall be Lieutenant of the Parts of *Lindſey*, within the County of *Lincoln*, *Henry* Earl of *Stamford* ſhall be Lieutenant of the County of *Leiceſter*, *Henry* Earl of *Holland* ſhall be Lieutenant of the County of *Middleſex*, *Henry* Lord *Spencer* ſhall be Lieutenant of the County of *Northampton*, *John* Earl of *Clare* ſhall be Lieutenant of the County of *Nottingham*, and the Town and County of *Nottingham*, *Algernoon* Earl of *Northumberland* Lord High Admiral of *England* ſhall be Lieutenant of the County of *Northumberland* and Town and County of *New-Caſtle* upon *Tyne*, and *Part of Berwick*, *Robert* Earl of *Warwick* ſhall be Lieutenant of the County of *Norfolk*, and the County and City of *Norwich*, *William* Lord Viſcount *Say* and *Seal* ſhall be Lieutenant of the County of *Oxford*, *David* Earl of *Exon* ſhall be Lieutenant of the County of *Rutland*, *Edward* Lord *Littleton* Lord Keeper of the Great Seal of *England*, ſhall be Lieutenant of the County of *Salop*, *William* Marqueſs of *Hertford* ſhall be Lieutenant of the County of *Somerſet*, *Robert* Earl of *Eſſex*, Lord *Chamberlain* of His Majeſty's Houſhold ſhall be Lieutenant of the County of *Stafford*, and the County of the City of *Litchfield*, *James* Earl of *Suffolk* ſhall be Lieutenant of the County of *Suffolk*, *Charles* Earl of *Nottingham* ſhall be Lieutenant of the County of *Surrey*, *Algernoon* Earl of *Northumberland*, Lord High Admiral of *England* ſhall be Lieutenant of the County of *Suſſex*, *Robert* Lord *Brooke* ſhall be Lieutenant of the County of *Warwick*, and the City and County of *Coventry*, *Henry* Earl of *Cumberland* ſhall be Lieutenant of the County of *Weſtmerland*, *Phillip* Earl of *Pembrook* and *Montgomery* ſhall be Lieutenant of the County of *Wilts*, *Edward* Lord *Howard* of *Eſcrigg* ſhall be Lieutenant of the County and City of *Briſtol*, *Robert* Earl of *Eſſex*, ſhall be Lieutenant of the County of *York*, the County of the City of *York*, and the Town and County of *Kingſton* upon *Hull*, *Philip* Lord *Herbert* ſhall be Lieutenant of the County of *Monmouth*, *Algernon* Earl of *Northumberland* ſhall be Lieutenant of the *Iſle* of *Angleſey*, *Phillip* Lord *Herbert* ſhall be Lieutenant of the County of *Brecknock*, *Richard* Earl of *Carbery*, in the Kingdom of *Ireland* ſhall be Lieutenant of the County of *Carbery*, *Richard* Earl of *Cardigan* in the Kingdom of *Ireland* ſhall be Lieutenant of the County of *Carmarthen*, *Phillip* Earl of *Pembrook* and *Mountgomery* ſhall be Lieutenant of the County of *Carnarvon*, *Baſill* Lord *Newnham* ſhall be Lieutenant of the County of *Denbigh*, *Baſill* Lord *Newnham* ſhall be Lieutenant of the County of *Flint*, *Phillip* Lord *Herbert* ſhall be Lieutenant of the County of *Glamorgan*, *Robert* Earl of *Eſſex* ſhall be Lieutenant of the County of *Mountgomery*, *Phillip* Earl of *Pembrook* and *Mountgomery* ſhall be Lieutenant of the County of *Merioneth*, *Edward* Lord *Litletton* Lord Keeper of the Great Seal of *England* ſhall be Lieutenant of the County of *Radnor*, *Algernoon* Earl of *Northumberland* ſhall be Lieutenant of the County of *Pembrook*, and the Town and County of *Haverford*, Weſt.

And ſhall ſeverally and reſpectively have power to aſſemble and call together all and ſingular His Majeſty's Subjects, within the ſaid ſeveral and reſpective Counties and Places as well within Liberties as without that are meet and fit for the Wars, and them to train and exerciſe and put in readineſs, and them after their Abilities and Faculties well and ſufficiently from time to time to cauſe to be arraied and weaponed, and to take the Muſter of them in places fit for that purpoſe; and the aforeſaid *Henry* Earl of *Holland*, *Oliver* Earl of *Bullingbrook*, Lord *Paget*, &c. ſhall ſeverally and reſpectively have Power within the ſeveral and reſpective Counties

and

17 *Caroli.*

and Places aforeſaid, to nominate and appoint ſuch Perſons of Quality as to them ſhall ſeem meet to be their Deputy Lieutenants, to be approved of by both Houſes of Parliament.

And that any one or more of the ſaid Deputies ſo aſſigned and approved of in the abſence or by the command of the ſaid *Henry* Earl of *Holland*, *Oliver* Earl of *Bullingbrook*, *William* Lord *Paget*, &c. ſhall have power to do and execute within the ſaid ſeveral and reſpective Counties and Places to them aſſigned, as aforeſaid, all ſuch Powers and Authorities before in this preſent Ordnance contained; and the aforeſaid *Henry* Earl of *Holland*, *Oliver* Earl of *Bullingbrook*, *William* Lord *Paget*, &c. ſhall have power to make Colonels, Captains, and other Officers, and to remove out of their places and make others from time to time, as they ſhall think fit for that purpoſe; and the ſaid *Henry* Earl of *Holland*, *Oliver* Earl of *Bullingbrook*, &c. their Deputy or Deputies in their abſence or by their command, ſhall have power to lead, conduct, and imploy the Perſons aforeſaid arraied and weaponed, for the ſuppreſſion of all Rebellions, Inſurrections and Invaſions that may happen within the ſeveral and reſpective Counties and Places: And ſhall have Power and Authority to Lead, Conduct, and Imploy the Perſons aforeſaid arraied and weaponed, as well within their ſaid ſeveral and reſpective Counties and Places, as within any other part of this Realm of *England* or Dominion of *Wales*, for the ſuppreſſion of all Rebellions, Inſurrections, and Invaſions that may happen according as they from time to time, ſhall receive directions from the Lords and Commons aſſembled in Parliament.

And be it further ordained, That Sir *John Gayre*, Sir *Jacob Garret* Knights, and Alderman *Thomas Atkins*, Alderman Sir *John Wollaſton* Knight, and Alderman *John Warner*, *John Towſe* Alderman, Serjeant Major General *Skippon*, or any three or more of them, together with *Randolph Manwaring*, *William Gibbs*, *John Fowke*, *James Bunce*, *Francis Peck*, *Samuel Warner*, *James Ruſſel*, *Nathaniel Wright*, *William Barkley*, *Alexander Normington*, *Stephen Eſtwick*, *Owen Rowe* Citizens of *London*, or any ſix or more of them, ſhall have ſuch Power and Authority within the City of *London*, as any of the Lieutenants before named are authorized to have by this Ordinance, within the ſaid ſeveral and reſpective Counties (the nomination and appointment of Deputy Lieutenants only excepted.) And it is further ordained that ſuch Perſons as ſhall not obey in any of the Premiſſes, ſhall anſwer their neglect and contempt, to the Lords and Commons in a Parliamentary way, and not otherwiſe nor elſewhere, and that every the Powers granted as aforeſaid, ſhall continue until it ſhall be otherwiſe ordered or declared by both Houſes of Parliament and no longer.

Declaration of both Houſes preſented to His Majeſty at *Newmarket*, *March* the 9th. 1641.

May it pleaſe Your Majeſty,

ALthough the Expreſſions in your Majeſty's Meſſage of the 2*d.* of this Inſtant *March*, do give juſt Cauſe of Sorrow to us, your Faithful Subjects, the Lords and Commons in Parliament, yet it is not without ſome mixture of confidence and hope, conſidering they proceeded from the miſapprehenſion of our Actions and Intentions, which having no ground of Truth or Reality, may by your Majeſty's Juſtice and Wiſdom be removed, when your Majeſty ſhall be fully informed, that thoſe Fears and Jealouſies of ours, which your Majeſty thinks to be cauſeleſs, and without any Juſt Ground, do neceſſarily and clearly ariſe from thoſe Dangers and Diſtempers, into which the Miſchievous and Evil Counſels about you have brought this Kingdom, and that thoſe other Fears and Jealouſies, by which your Favour, your Royal Preſence, and Confidence have been withdrawn from your Parliament, have no Foundation or Subſiſtence in any Action, Intention, or Miſcarriage of ours, but are meerly grounded upon the Falſhood and Malice of thoſe, who for the ſupporting and fomenting their own wicked Deſigns againſt the Religion, and Peace of the Kingdom, do ſeek to deprive your Majeſty of the Strength and Affection of your People, them of your Grace and Protection, and thereby to ſubject both your Royal Perſon, and the whole Kingdom to Ruin and Deſtruction.

To ſatisfie your Majeſty's Judgment and Conſcience in both theſe Points, we deſire to make a clear and free Declaration of the *Cauſes of our Fears and Jealouſies*, which we offer to your Majeſty in theſe particulars.

1. That the Deſign of altering Religion in this, and in your other Kingdoms, hath been potently carried on by thoſe in greateſt Authority about you, for divers Years together, the Queen's Agent at *Rome*, and the Popes Agent or Nuncio here,

here, are not only Evidences of this Deſign, but have been great Actors in it. 17 *Caroli.*

2. That the War with *Scotland* was procured to make way for this Intent, and chiefly invited and fomented by the Papiſts, and others Popiſhly affected, whereof we have many Evidences, eſpecially their free and general Contribution to it.

3. That the Rebellion in *Ireland* was framed and contrived here in *England*, and that the *Engliſh* Papiſts ſhould have riſen about the ſame time, we have ſeveral Teſtimonies and Advertiſements from *Ireland*; and that it is a common Speech amongſt the Rebels, wherewith concur other Evidences and Obſervations of the ſuſpitious Meetings and Conſultations, the tumultuary and ſeditious Carriage of thoſe of that Religion in divers parts of this Kingdom, about the time of the breaking out of the *Iriſh* Rebellion; the Depoſition of *O Connelly*, the Information of Mr. *Cole* Miniſter, the Letter of *Triſtram Whitcombe*, the Depoſition of *Thomas Crant*, and many others, which we may produce, do all agree in this: The publick Declaration of the Lords Gentlemen and others of the *Pale*, that they would joyn with the Rebels, whom they call the *Iriſh* Army, or any other, to *recover unto His Majeſty His Royal Prerogative, wreſted from him by the Puritan Faction in the Houſes of Parliament* in *England*, and to maintain the ſame againſt all others, as alſo to maintain *Epiſcopal Juriſdiction*, and the lawfulneſs thereof: *Theſe two being Quarrels*, upon which *His Majeſty's late Army* in the *North* ſhould have been incenſed againſt us.

The great Cauſe we have to doubt, that that late Deſign, ſtiled, *The Queen's Pious Intention*, was for the alteration of Religion in this Kingdom; for ſucceſs whereof, the Pope's Nuntio, the Count *Roſetti* injoyned Faſting and Praying to be obſerved every Week by the *Engliſh* Papiſts, which appeared to us by one of the Original Letters, directed by him to a Prieſt in *Lancaſhire*.

The Boldneſs of the *Iriſh* Rebels in affirming they do nothing, *but by Authority from the King*; That they call themſelves *the Queen's Army*; That the Prey, or Booty which they take from the *Engliſh*, they *mark with the Queen's mark*; That their purpoſe was *to come to* England *after they had done in* Ireland, and ſundry other things of this kind, proved by *O Connelly*, and divers others, eſpecially in the forementioned Letter from *Triſtram Whitcombe*, the *Mayor* of *Kinſale*, to his Brother *Benjamin Whitcombe*, wherein there is this Paſſage; That many other ſtrange Speeches they utter about Religion and our Court of *England*, which he dares not commit to Paper.

The manifold *Attempts to provoke your Majeſty's late Army*, and the *Army of the Scots*, and to raiſe a Faction in the City of *London*, and other parts of the Kingdom; That thoſe who have been Actors in thoſe buſineſſes have had their dependence, their countenance and encouragement from the Court; witneſs the Treaſon, whereof Mr. *Jermin* and others ſtand accuſed, who was *Tranſported* beyond-Sea *by Warrant under your Majeſty's Hand*, after your Majeſty had given aſſurance to your *Parliament*, that your Majeſty had laid a ſtrict command upon all your Servants, that none of them ſhould depart from Court: and that *dangerous Petition delivered to Captain Leg* by your Majeſty's own Hand, accompanied with a direction, ſigned *with C. R.*

The falſe and ſcandalous *Accuſation* againſt the Lord *Kimbolton*, and the *Five Members* of the Houſe of Commons, *tendred to the Parliament by your Majeſty's own command*, endeavour'd to be juſtified in the City by your own preſence and perſwaſion, and *to be put in execution upon their Perſons by your Majeſty's demand of them in the Houſe of Commons*, in ſo terrible and violent a manner, as far exceeded all former Breaches of Priviledges of Parliament acted by your Majeſty or any of your Predeceſſors, and whatſoever your Intentions were, *divers bloody and deſperate Perſons*, which attended your Majeſty, diſcovered their affections and reſolutions *to have maſſacred and deſtroyed the Members* of that Houſe, if the abſence of thoſe Perſons accuſed, had not by God's Providence, *ſtop'd the giving of that word* which they expected, for the ſetting them upon that barbarous and bloody Act, the Liſting of ſo many Officers and Souldiers, and others putting *them into Pay*, and under command of Colonels; *feaſting* and *careſſing them* in an unuſual manner at *Whitehall*, thereby maintaining them in the violent *Aſſaults, and other Injuries*, which they offered to divers of your *Subjects*, coming that way in a lawful and *peaceable manner*; the carrying them out of Town, after which they were told by the Lord *Digby*, that the King removed on purpoſe, that they might not be trampled in the Dirt; and *keeping them ſo long in Pay*, endeavouring to engage the *Gentlemen of the Inns of Court*, in the ſame Courſe; the plotting and deſigning of a *perpetual Guard*

17 *Caroli.*

about your Majeſty; the labouring to infuſe into your Majeſty's Subjects an evil Opinion of the Parliament thorow the whole Kingdom, and other *Symptons* of a diſpoſition of *raiſing Arms*, and *dividing your People by a Civil War*; in which cumbuſtion *Ireland* muſt needs be loſt, and this Kingdom miſerably waſted and conſumed, if not wholly ruin'd and deſtroy'd.

That after a Vote had paſſed in the Houſe of Commons, declaring, That the Lord *Digby* had appeared in a Warlike manner at *Kingſton* upon *Thames*, to the terror and fright of your Majeſty's good Subjects, and diſturbance of the publick Peace of the Kingdom; and that therefore the Lords ſhould be moved to require his attendance, he ſhould nevertheleſs be of that Credit with your Majeſty *as to be ſent away by your own Warrant* to Sir *John Pennington*, to Land him beyond the Sea, from whence he vented his own traiterous conceptions, that your Majeſty ſhould *declare your ſelf*, and retire to a *place of Strength* in this Kingdom, as if your Majeſty could not be ſafe among your People: and withal took that tranſcendent boldneſs to *write to the Queen*, offering to entertain correſpondence with Her Majeſty by Cyphers, intimating ſome Service which he might do in thoſe Parts, for which he deſired your Majeſty's Inſtructions, whereby in probability he intended the procuring of ſome foreign Force to ſtrengthen your Majeſty in that Condition, into which he would have brought you; which falſe and malicious Council and Advice, we have great Cauſe to doubt, made too deep an Impreſſion in your Majeſty, conſidering the Courſe you are pleaſed to take of abſenting your ſelf from your Parliament, and carrying the *Prince with you*, which ſeems to expreſs a Purpoſe in your Majeſty, to keep your ſelf in a *readineſs for the acting of it.*

The manifold Advertiſements which we have had from *Rome*, *Venice*, *Paris* and other parts, that they ſtill expect, that your Majeſty has ſome *great Deſign in Hand*, for the altering of Religion, the *breaking the Neck of your Parliament*; that you will yet find means to compaſs that Deſign, that the *Pope's Nuntio* hath ſollicited the Kings of *France* and *Spain*, to lend your Majeſty *four thouſand Men* a piece to help to maintain your Royalty *againſt the Parliament*: And this foreign Force, as it is the moſt pernicious and malignant Deſign of all the reſt, ſo we hope it is, and ſhall always be fartheſt from your Majeſty's Thoughts, becauſe no Man can believe you will give up your People and Kingdom to be ſpoiled by Strangers, if you did not likewiſe intend to change both your own Profeſſion in Religion, and the publick Profeſſion of the Kingdom, that ſo you might ſtill be more aſſured of thoſe *Foreign States* of the Popiſh Religion, for your future ſupport and defence.

Theſe are ſome of the Grounds of our *Fears and Jealouſies*, which made us ſo earneſtly to implore your Royal Authority and Protection for our Defence and Security, in all the ways of Humility and Submiſſion, which being denied by your Majeſty, *ſeduced by evil Counſel*, we do with ſorrow for the great and unavoidable Miſery and Danger, which thereby is like to fall upon your own Perſon and your Kingdoms, apply our ſelves to the uſe of that Power, for the ſecurity and defence of both, which by the Fundamental Laws and Conſtitutions of this Kingdom reſides in us; yet ſtill reſolving to keep our ſelves within the bounds of Faithfulneſs and Allegiance to your Sacred Perſon, and your Crown; ſo as to *the ſecond ſort of Jealouſies and Fears* of us expreſt by your Majeſty, we ſhall give a ſhorter, but as true and as faithful an Anſwer.

Whereas your Majeſty is pleaſed to ſay, that for your *Reſidence near the Parliament*, you wiſh it might be ſo ſafe and honourable, that you had no cauſe to abſent your ſelf from *White-hall*; this we take as the greateſt Breach of Priviledge of Parliament that can be offered, as the heavieſt miſery to your ſelf and imputation upon us that can be imagined, and the moſt miſchievous Effects of Evil Councils; it roots up the ſtrongeſt Foundation of the Safety and Honour, which your Crown affords; it ſeems as much as may be to caſt upon the Parliament ſuch a Charge, as is inconſiſtent with the Nature of that great Council, being the Body, whereof your Majeſty is the Head; it ſtrikes at the very being both of King and Parliament, depriving your Majeſty in your own Apprehenſion of their Fidelity, and them of your Protection, which are the mutual Bands and Supports of Government and Subjection.

We have according to your Majeſty's deſire, laid our Hands upon our Hearts; we have askt our ſelves in the ſtricteſt Examination of our Conſciences; we have ſearched our Affections, our Thoughts; conſidered our Actions, and we find none that can give your Majeſty any juſt occaſion *to abſent your ſelf from* White-hall, *and the Parliament*; but that you may with more Honour and Safety continue there then in any other place.

Your

17 *Caroli.*

Your Majeſty lays a General Tax upon us; if you will be graciouſly pleaſed to let us know the Particulars, we ſhall give a clear and ſatisfactory Anſwer; but what hope can we have of ever giving your Majeſty ſatisfaction, when thoſe particulars which you have been made believe were true, yet being produced, and made known to us, appeared to be falſe, and your Majeſty notwithſtanding will *neither puniſh; nor produce the Authors,* but go on to contract *new Jealouſies and Fears* upon general and uncertain Grounds, affording us no means or poſſibility of particular Anſwer, to the clearing of our ſelves: for proof whereof, we beſeech your Majeſty to conſider theſe Inſtances.

The Speeches alledged to be ſpoken in a Meeting of divers Members of both Houſes at *Kenſington*, concerning a purpoſe of *reſtraining the Queen and Prince*, which after it was denied and diſavowed, yet your Majeſty refuſed to Name the Authors, tho' humbly deſired by both Houſes.

The Report of *Articles* framed againſt the *Queen's Majeſty*, given out by ſome of near Relation to the Court; but when it was publickly and conſtantly diſclaimed, the Credit ſeemed to be withdrawn from it; but the Authors being kept ſafe, will always be ready for Exploits of the ſame kind, wherewith your Majeſty and the Queen will be often troubled, if this courſe be taken to cheriſh and ſecure them in ſuch wicked and malicious Slanders.

The heavy Charge and Accuſation of the Lord *Kimbolton, and the Five Members* of the Houſe of Commons, who refuſed no Tryal or Examination, which might ſtand with the Priviledge of Parliament; yet no Authors, no Witneſſes produced, againſt whom they may have reparation, for the great Injury and Infamy caſt upon them; notwithſtanding three ſeveral Petitions of both Houſes, and the Authority of two Acts of Parliament vouched in the laſt of thoſe Petitions.

We beſeech your Majeſty to conſider in what ſtate you are, how eaſie and fair a way you have to Happineſs, Honour, Greatneſs, Plenty and Security; *if you will joyn with the Parliament*, and your faithful Subjects, in Defence of the Religion and Publick Good of the Kingdom: This is all we expect from you, and for this we ſhall return to you our Lives, Fortunes, and uttermoſt Endeavours to ſupport your Majeſty, your juſt Sovereignty and Power over us, but it is not words that can ſecure us in theſe our humble Deſires; we cannot but, too well, and ſorrowfully remember what gracious Meſſages we had from you this *Summer*, when with your privity, the *bringing up the Army* was in agitation; we cannot but with the like affections recal to our minds, how not two days before you gave directions for the above-mentioned Accuſation, and your own coming to the Commons Houſe; that Houſe received from your Majeſty a gracious Meſſage, that you would always have a care of their Priviledges, as of your own Prerogative, of the ſafety of their Perſons, as of your own Children. That which we expect, which will give us aſſurance, that you have no thought, but of Peace and Juſtice to your People, muſt be ſome real Effect of your goodneſs to them in granting thoſe things, which the preſent neceſſity of the Kingdom doth enforce us to deſire: And in the firſt place, that your Majeſty will be graciouſly pleaſed to *put from you thoſe wicked and miſchievous Counſellors* which have cauſed all theſe Dangers and Diſtractions, and to continue your *own Reſidence*, and the Princes, *near London*, and the *Parliament*, which we hope will be a happy beginning of contentment and confidence betwixt your Majeſty and your People, and be followed with many ſucceeding bleſſings of Honour and Greatneſs to your Majeſty and of ſecurity and proſperity to them.

Additional Reaſons of the Lords and Commons for His Majeſty's return to His Parliament.

THE Lords and Commons have commanded us to preſent unto your Majeſty this farther Addition to their former Declaration.

That your Majeſty's return and continuance near the Parliament, is a matter in their apprehenſion of ſo great neceſſity and importance toward the preſervation of your Royal Perſon, and your Kingdoms, that they cannot think they have diſcharged their Duties in the ſingle expreſſion of their Deſire, unleſs they add ſome farther Reaſons to back it with.

1. Your Majeſty's abſence will cauſe Men to believe, that it is out of deſign to diſcourage the Undertakers, and hinder the other Proviſions, for raiſing Money for Defence of *Ireland*.

An. 1641.

2. It will very much hearten the Rebels there, and diſaffected Perſons in this Kingdom, as being an evidence and effect of the Jealouſies and Diviſion betwixt your Majeſty and your People.

3. That it will much weaken and withdraw the Affection of the Subject from your Majeſty, without which a Prince is deprived of his chiefeſt Strength and Luſtre, and left naked to the greateſt Dangers and Miſeries, that can be imagined.

4. That it will invite and encourage the Enemies of our Religion, and the States in foreign Parts, to the attempting and acting their Evil Deſigns and Intentions toward us.

5. That it cauſeth a great Interruption in the Proceedings of Parliament.

Theſe Conſiderations threaten ſo great Danger to your Majeſty's Perſon, and to all your Dominions, that as your Majeſty's great Council, they hold it neceſſary to repreſent to you this their faithful Advice, that ſo whatſoever followeth, they may be excuſed before God and Man.

His Majeſties Speech to the Committee, the 9th of *March* 1641. when they preſented the Declaration of both Houſes of Parliament at *Newmarket.*

March 9.

I *Am confident that you expect not I ſhould give you a ſpeedy Anſwer, to* this ſtrange and unexpected Declaration; *and I am ſorry (in the diſtraction of this Kingdom) you ſhould think this way of Addreſs to be more convenient, then that propoſed by* my Meſſage of the 20th of *January* laſt to both Houſes.

As concerning the Grounds of your Fears and Jealouſies, I will take time to Anſwer particularly, and doubt not but I ſhall do it to the ſatisfaction of all the World. God, in his good time, will I hope, diſcover the Secrets and Bottoms of all Plots and Treaſons; and then I ſhall ſtand right in the Eyes of my People. In the mean time, I muſt tell you, that I rather expected a Vindication for the Imputation laid on me in Maſter Pim's *Speech, then that any more general Rumors and Diſcourſes ſhould get credit with you.*

For my Fears and Doubts, I did not think they ſhould have been thought ſo Groundleſs or Trivial, while ſo many Seditious Pamphlets and Sermons are look'd upon, and ſo great Tumults are remembred, unpuniſhed, uninquir'd into: I ſtill confeſs my Fears, and call God to Witneſs, that they are greater for the True Proteſtant Profeſſion, my People, and Laws, then for my own Rights or Safety; tho I muſt tell you, I conceive, that none of theſe are free from Danger.

What would you have? Have I violated your Laws? Have I denied to paſs any Bill for the Eaſe and Security of my Subjects? I do not aſk you, what you have done for me.

Have any of my People been Tranſported with Fears and Apprehenſions? I have offered as Free and General a Pardon, as your ſelves can deviſe. All this conſidered, there is a Judgment from Heaven upon this Nation, if theſe Diſtractions continue.

God ſo deal with me and mine, as all my Thoughts and Intentions are upright for the maintenance of the True Proteſtant Profeſſion, and for the obſervation and preſervation of the Laws of this Land, and, I hope, God will bleſs and aſſiſt thoſe Laws for my Preſervation.

As for the Additional Declaration, you are to expect an Anſwer to it, when you ſhall receive the Anſwer to the Declaration it ſelf.

Some Paſſages that hapned the 9th of March, *between the King's Majeſty, and the Committee of both Houſes, when the Declaration was delivered.*

WHen his Majeſty heard that part of the Declaration, which mention'd Mr. *Jermin*'s Tranſportation, his Majeſty interrupted the Earl of *Holland* in reading, and ſaid, *that's falſe*; which being afterward touch'd upon again, his Majeſty then ſaid, *'tis a ly*; and when he was inform'd it related not to the Date, but the Execution of the Warrant; his Majeſty ſaid, *it might have been better expreſs'd then*, and that it was a *high thing to Tax a King with breach of promiſe.* As for this Declaration, his Majeſty ſaid, *I could not have believ'd, the Parliament would have ſent me ſuch a one, if I had not ſeen it brought by ſuch Perſons of Honour.* I am ſorry for the Parliament, but glad I have it: For by that, I doubt not to ſatisfie my People; tho I am confident the greater part is ſo already.

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17 Caroli.

Ye ſpeak of ill Councils, but I am confident, the Parliament hath had worſe Informations, then I have had Councils. His Majeſty asking, *what he had denied the Parliament*, the Earl of *Holland* inſtanced that of the Militia; his Majeſty replied, *that was no Bill*; the Earl of *Holland* then ſaid, *it was a neceſſary Requeſt at this time*, and his Majeſty alſo then ſaid, *he had not denied it.*

What paſſed the next day, when his Majeſty delivered his Anſwer,

Which was read by the Earl of *Holland* to the reſt of the Committee, and that being done, his Lordſhip endeavour'd to perſwade his Majeſty to come near the Parliament; whereunto his Majeſty anſwer'd, *I would you had given me cauſe*, but I am ſure, this Declaration is not the way to it, and in all *Ariſtotle's Rhetorics* there is no ſuch Argument of perſwaſion; the Earl of *Pembroke* thereupon telling him, *that the Parliament had humbly beſought his Majeſty to come near them*, as aforeſaid, his Majeſty replied, *he had learnt by their Declaration, that words were not ſufficient.* His Majeſty being then again moved by the ſaid Earl of *Pembroke*, to expreſs what he would have; ſaid, *he would whip a Boy in* Weſtminſter-*School, that could not tell that by his Anſwer.* And farther ſaid, they were much miſtaken, if they thought his Anſwer of that *a denial.* And being alſo asked by the ſaid Earl of *Pembroke*, whether the Militia might not be granted, as was deſir'd by the Parliament for a time; his Majeſty, *ſwore by God*, not for an hour, you have askt that of me in this, was never askt of any King, and with which I will not truſt my Wife and Children.

His Majeſty ſaid the buſineſs of *Ireland* will never be done in the way that you are in, *four hundred* will never do that work, it muſt be put into the hands of one; if I were truſted with it, I would pawn my Head to end that work; and tho *I am a Beggar* my ſelf, yet (ſpeaking with a ſtrong Aſſeveration) *I can find mony for that.*

Huntington, 15 Martii, 1641.

His Majeſties Meſſage to both Houſes of Parliament, upon his Removal to the City of York, *where he intends to make his Reſidence.*

King's Meſſage from *Huntington, March* 15.

'HIS Majeſty being now in his Remove to his City of *York*, where he intends 'to make his Reſidence for ſome time, thinks fit to ſend this Meſſage to 'both Houſes of Parliament.

'That he doth very earneſtly deſire, that they will uſe all poſſible induſtry in 'expediting the buſineſs of *Ireland*, in which they ſhall find ſo cheerful a Con-'currence by his Majeſty, that no inconvenience ſhall happen to that ſervice by 'his Abſence; He having all that Paſſion for the Reducing of that Kingdom, 'which he hath expreſſed in his former Meſſages; and being unable by words to 'manifeſt more Affection to it, than he hath endeavour'd to do by thoſe Meſ-'ſages (having likewiſe done all ſuch Acts as he hath been moved unto by his 'Parliament.) Therefore if the Misfortunes and Calamities of his poor Prote-'ſtant Subjects there ſhall grow upon them (tho his Majeſty ſhall be deeply con-'cerned in, and ſenſible of their ſufferings) he ſhall waſh his hands before all the 'World, from the leaſt imputation of ſlackneſs in that moſt neceſſary and pious 'Work.

'And that his Majeſty may leave no way unattempted, which may beget a 'good underſtanding between him and his Parliament, he thinks it neceſſary to 'declare; That as he hath been ſo tender of the Priviledges of Parliament, that 'he hath been ready and forward to retract any Act of his own, which he hath 'been informed hath Trencht upon their Priviledges; ſo he expects an equal 'tenderneſs in them of his Majeſties known and unqueſtionable priviledges '(which are the priviledges of the Kingdom) amongſt which, he is aſſured it 'is a fundamental one, that his Subjects cannot be obliged to obey any Act, Or-'der or Injunction to which his Majeſty hath not given his conſent: And there-'fore he thinks it neceſſary to publiſh, that he expects, and hereby requires 'obedience from all his Loving Subjects to the Laws eſtabliſhed, and that they 'preſume not upon any Pretence of Order or Ordinance (to which his Majeſty is no 'party) concerning the Militia, or any other things to do or execute what is not

warrant.

An. 1641.

'warranted by thoſe Laws; his Majeſty being reſolved to keep the Laws himſelf, 'and to require obedience to them from all his Subjects.

'And his Majeſty once more recommends to his Parliament the ſubſtance of 'his Meſſage of the twentieth of *January* laſt, that they compoſe and digeſt 'with all ſpeed, ſuch Acts as they ſhall think fit, for the preſent and future eſta- 'bliſhment of their Priviledges, the free and quiet enjoying of their Eſtates and 'Fortunes, the Liberties of their Perſons, the Security of the True Religion, now 'profeſſed in the Church of *England*, the maintaining his Majeſties Regal and Juſt Authority, and ſetling his Revenue; his Majeſty being moſt deſirous to take 'all fitting, and juſt ways, which may beget a happy underſtanding between 'him and his Parliament, in which he conceives his greateſt Power and Riches 'doth conſiſt.

The Votes of both Houſes of Parliament concerning the King's laſt Meſſage, ſent from Huntington *to both Houſes, on* Wedneſday *the* 16th. *of* March, 1641. *concerning the Militia.*

Votes upon the King's Meſſage from *Huntington, March.* 16.

Reſolved, &c. That this Houſe ſhall inſiſt upon their former Votes concerning the Militia.

Reſolved, &c. That the King's abſence, ſo far remote from his Parliament, is not only an Obſtruction, but may be a deſtruction to the Affairs of *Ireland.*

Reſolved, &c. That when the Lords and Commons in Parliament, which is the ſupream Court of Judicature in the Kingdom, ſhall declare what the *Law of the Land is*, to have this not only queſtioned and controverted, but contradicted; and a command, that it ſhould not be obeyed, is a High Breach of the Priviledge of Parliament.

Reſolved, &c. That a Committee ſhall be appointed by this Houſe to join with a Committee of Lords to inquire where this Meſſage was framed.

Reſolved, &c. That thoſe perſons, that adviſe his Majeſty to abſent himſelf from the Parliament are Enemies to the peace of this Kingdom, and juſtly ſuſpected to be Favourers of the Rebellion in *Ireland.*

Reſolved, &c. That thoſe that adviſed his Majeſty to this Meſſage are Enemies to the peace of this Kigdom, and juſtly to be ſuſpected to be Favourers of the Rebellion in *Ireland.*

Several Votes Reſolved upon by both Houſes of Parliament concerning the ſecuring of the Kingdom of England *and Dominion of* Wales.

Other Votes touching the Ordinance for the Militia, and the King's Commiſſions.

Reſolved upon the Queſtion by the Lords in Parliament, *Nemine Contradicente*, That the Ordnance of the Lords and Commons in Parliament for the Safety and Defence of the Kingdom of *England* and Dominion of *Wales*, is not any way againſt the *Oath of Allegiance.*

Reſolved, &c. That the ſeveral Commiſſions granted under the Great Seal to the Lieutenants of the ſeveral Counties, are illegal and void.

Reſolved, &c. That whoſoever ſhall execute any Power over the Militia of this Kingdom and Dominion of *Wales*, by colour of any Commiſſion of Lieutenancy, without Conſent of both Houſes of Parliament, ſhall be accounted a Diſturber of the Peace of the Kingdom.

Die Martis 15. Martii, 1641.

Reſolved, &c. That the Kingdom hath been of late, and ſtill is in ſo evident and imminent danger, both from Enemies abroad, and a Popiſh and Diſcontented Party at Home; That there is an urgent and inevitable neceſſity of putting his Majeſties Subjects into a poſture of defence, for the ſafeguard both of his Majeſty and his people.

That the Lords and Commons fully apprehending this danger, and being ſenſible of their own duty, to provide a ſuitable prevention; have in ſeveral Petitions addreſſed themſelves to his Majeſty for the ordering and diſpoſing of the Militia of the Kingdom, in ſuch a way, as was agreed upon by the Wiſdom of

both

both Houſes to be moſt effectual and proper for the preſent exigents of the Kingdom; yet could not obtain it, but his Majeſty did ſeveral times refuſe to give his Royal Aſſent thereunto. *An.* 1641.

Ordered, That the Houſe of Peers be moved to agree with the Houſe of Commons in this Propoſition.

Reſolved, &c. That in this caſe of extream danger, and of his Majeſties refuſal, the Ordinance agreed on by both Houſes for the Militia, doth oblige the people, and ought to be obeyed by the Fundamental Laws of this Kingdom.

Reſolved, &c. That theſe ſhall be the Heads of the Declaration.

Reſolved, &c. That ſuch perſons as ſhall be nominated Deputy-Lieutenants, and approved of by both Houſes, ſhall receive the Commands of both Houſes, to take upon them to execute their offices.

Ordered by the Lords and Commons in Parliament, That theſe ſeveral Votes ſhall be forthwith Printed and Publiſhed.

John Brown, *Cleric. Parlament.*

His Majeſties Declaration to both Houſes of Parliament (which He likewiſe recommends to the Conſideration of His Loving Subjects) in Anſwer to that preſented to him at Newmarket, *9th. of* March, 1641.

King's Anſwer to the Declaration preſented to him at *New-Market.*

THO the Declaration, lately preſented to Us at *Newmarket*, from both our Houſes of Parliament be of ſo ſtrange a nature, in reſpect of what We expected (after ſo many Acts of Grace and Favour to Our People) and ſome expreſſions in it ſo different from the uſual Language to Princes, that We might well take a very long time to conſider it; yet the Clearneſs and Uprightneſs of our Conſcience to God, and Love to Our Subjects hath ſupplied Us with a ſpeedy Anſwer, and our unalterable Affection to Our People prevailed with Us to ſuppreſs that paſſion, which might well enough become Us, upon ſuch an Invitation.

We have re-conſidered our Anſwer of the firſt of this month, at *Theobalds*, which is urged to have given juſt cauſe of Sorrow to Our Subjects. Whoſoever looks over that Meſſage (which was in effect to tell Us, that if we would not joyn with them in an Act We conceived prejudicial and dangerous to Us, and the whole Kingdom, they would make a Law without Us, and impoſe it upon our people) will not think that ſudden Anſwer can be excepted to.

We have little encouragement to Replies of this nature, when We are told of how little value our words are like to be with you, tho they come accompanied with all the Actions of Love and Juſtice (where there is room for Actions to accompany them) yet we cannot but diſavow the having any ſuch evil Councils or Councellors to our Knowledge, as are mentioned; and if any ſuch be diſcovered, we will leave them to the Cenſure and Judgement of our Parliament: In the mean time We could wiſh, that our own Immediate Actions, which We avow, and our own Honour might not be ſo roughly Cenſured and Wounded, under that common ſtile of Evil Councellors.

For our faithful and zealous Affection to the True Proteſtant Profeſſion, and our Reſolution to Concur with our Parliament in any poſſible Courſe, for the propagation of it, and the ſuppreſſion of Popery, We can ſay no more than We have already expreſſed in our Declaration to all our Loving Subjects, publiſhed in *Ireland*, by the Advice of our Privy Council, in which We endeavoured to make as lively a Confeſſion of our Self in this point, as We were able, being moſt aſſured, that the conſtant practiſe of our life hath been anſwerable thereunto; and therefore We did rather expect a teſtimony and acknowledgment of ſuch our Zeal and Piety, than thoſe expreſſions We met with in this Declaration of any deſign of altering Religion in this Kingdom; and We do (out of the innocence of our Soul) wiſh, that the judgments of Heaven may be manifeſted upon thoſe, who have, or had any ſuch deſign.

As for the *Scots* Troubles, We had well thought that thoſe unhappy Differences had been wrapt up in perpetual ſilence by the Act of Oblivion, which being ſolemnly paſt in the Parliaments of both Kingdoms, ſtops our mouth from any other Reply, than to ſhew our great diſlike for reviving the memory thereof.

If the Rebellion in *Ireland* (ſo odious to all Chriſtians) ſeems to have been framed

An. 1641. framed and maintained in *England*, or to have any countenance from hence, We conjure both our Houſes of Parliament, and all our Loving Subjects whatſoever, to uſe all poſſible means to diſcover, and find ſuch out, that We may joyn in the moſt exemplary vengeance upon them, that can be imagined; but We muſt think our Self highly and cauſeleſly injured in our Reputation, if any Declaration, Action, or Expreſſion of the *Iriſh* Rebels, any Letters from Count *Roſetti* to the Papiſts for Faſting and Praying, or from *Triſtram Whitcombe*, of ſtrange ſpeeches uttered in *Ireland*, ſhall beget any Jealouſie or Miſapprehenſion in our Subjects, of our Juſtice, Piety and Affection, it being evident to all underſtandings, that thoſe miſchievous and wicked Rebels are not ſo capable of great advantage, as by having their falſe diſcourſes ſo far believed, as to raiſe Fears and Jealouſies to the diſtraction of this Kingdom, the only way to their ſecurity: And We cannot expreſs a deeper ſenſe of the ſuffering of our poor Proteſtant Subjects in that Kingdom, than we have done in our often Meſſages to both Houſes, by which we have offered, and are ſtill ready to venture our Royal Perſon for their Redemption; well knowing, that as We are (in our own intereſt) more concerned in them, ſo we are to make a ſtrict account to Almighty God, for any neglect of our Duty, or their Preſervation.

For the manifold attempts to provoke our late Army, and the Army of the *Scots*, and to raiſe a Faction in the City of *London*, and other parts of the Kingdom; if it be ſaid, as relating to Us, We cannot without great indignation ſuffer our ſelf to be Reproached, to have intended the leaſt Force or Threatning to our Parliament, as the being privy to the bringing up of the Army would imply; whereas We call God to witneſs, we never had any ſuch thought, or knew of any ſuch Reſolution concerning our late Army.

For the Petition ſhewed to us by Captain *Leg*, We well remember the ſame, and the occaſion of that Conference; Captain *Leg* being lately come out of the *North*, and repairing to Us at *Whitehall*; We asked him of the ſtate of our Army, and (after ſome relation made of it) he told Us, that the Commanders and Officers of the Army had a mind to petition the Parliament, as others of our people had done, and ſhewed Us the Copy of a Petition, which We read, and finding it to be very humble, deſiring the Parliament might receive no interruption in the reformation of the Church and State, to the model of Queen *Elizabeth's* days; We told him, we ſaw no harm in it; whereupon he replied, that he believed all the Officers of the Army would like it, only he thought Sir *Jacob Aſhley* would be unwilling to ſign it, out of fear that it might diſpleaſe Us. We then read the Petition over again, and then obſerving that neither in Matter or Form, We conceived it could poſſibly give juſt Cauſe of Offence, We delivered it to him again, bidding him give it to Sir *Jacob Aſhley*, for whoſe ſatisfaction We had written *C. R.* upon it, to teſtifie our Approbation: And We wiſh, that the Petition might be ſeen, and publiſhed, and then we believe it will appear no dangerous one, nor a juſt ground for the leaſt Jealouſies, or Miſapprehenſion.

For Mr. *Jermin*, it is well known, that he was gone from *Whitehall*, before We received the deſire of both Houſes, for the reſtraint of our Servants, neither returned he thither, or paſſed over by any Warrant, granted by Us after that time.

For the Breach of Priviledge in the Accuſation of the Lord *Kimbolton*, and the five Members of the Houſe of Commons, We thought We had given ſo ample ſatisfaction in our ſeveral Meſſages to that purpoſe, that it ſhould be no more preſſed againſt Us; being confident, if the Breach of Priviledge had been greater than ever before offered, our Acknowledgment and Retractation hath been greater than ever King hath given; beſides the not examining how many of our Priviledges have been invaded, in defence and vindication of the other; and therefore We hoped our true and earneſt Proteſtation, in our Anſwer to your Order concerning the Militia, would ſo far have ſatisfied you of our intentions then, that you would no more have entertained any imagination of any other deſign than We there expreſſed.

But why the liſting of ſo many Officers, and entertaining them at *Whitehall* ſhould be miſconſtrued, We much marvel, when it is notoriouſly known, the tumults at *Weſtminſter* were ſo great, and their demeanors ſo ſcandalous and ſeditious, that We had good cauſe to ſuppoſe our own Perſon, and thoſe of our Wife and Children to be in apparent danger, and therefore We had great

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reaſon to appoint a guard about Us, and to accept the dutiful tender of the ſervices of any our Loving Subjects, which was all we did to the Gentlemen of the Inns of Court. *Caroli* 17.

For the Lord *Digby*, We aſſure you in the word of a King, that he had not our Warrant to paſs the Seas, and had left our Court before We even heard of the Vote of the Houſe of Commons, or had any cauſe to imagine, that his Abſence would have been excepted againſt.

What your Advertiſements are from *Rome*, *Venice*, *Paris*, and other parts, or what the Pope's Nuncio ſollicits the Kings of *France* or *Spain* to do, or from what perſons ſuch informations come to you, or how the credit and reputation of ſuch perſons have been ſifted and examined, We know not; but are confident, no ſober, honeſt man in our Kingdoms can believe, that We are ſo deſperate, or ſo ſenſeleſs to entertain ſuch deſigns, as would not only bury this our Kingdom in ſudden diſtraction and ruin, but our own Name and Poſterity in perpetual ſcorn and infamy; and therefore We could have wiſhed, that in matters of ſo high and tender a Nature (wherewith the minds of our good Subjects muſt needs be ſtartled) all the expreſſions were ſo plain and eaſie, that nothing might ſtick with them with reflection upon Us, ſince you thought fit to publiſh it all.

And having now dealt thus plainly and freely with you by way of Anſwer to the particular grounds of your Fears; We hope (upon a due conſideration, and weighing both together) you will not find the grounds to be of that moment to beget, or longer to continue a miſunderſtanding betwixt Us, or force you to apply your ſelves to the uſe of any other Power than what the Law hath given you, the which we always intend ſhall be the Meaſure of our own Power, and expect it ſhall be the Rule of our Subjects Obedience.

Concerning our Fears and Jealouſies; as We had no intention of accuſing you, ſo are We ſure no words ſpoken by Us (on the ſudden) at *Theobalds*, will bear that interpretation. We ſaid for our reſidence near you, We wiſh it might be ſo Safe and Honourable, that We had no cauſe to abſent our ſelf from *Whitehall*, and how this can be a breach of Priviledge of Parliament, We cannot underſtand. We explained our meaning in our Anſwer at *New-Market*, at the Preſentation of this Declaration, concerning the Printed Seditious Pamphlets and Sermons, and the great Tumults at *Weſtminſter*; and We muſt appeal to You, and all the World, whether We might not juſtly ſuppoſe our ſelf in danger of either: and if We were now at *Whitehall*, what ſecurity have We, that the like ſhall not be again; eſpecially if any Delinquents of that Nature have been apprehended by the Miniſters of Juſtice, and been reſcued by the People, and ſo as yet eſcape unpuniſhed? If you have not been informed of the ſeditious words uſed in, and the circumſtances of thoſe Tumults, and will appoint ſome way for the examination of them, We will require ſome of our Learned Council to attend with ſuch Evidence as may ſatisfie you, and till that be done, or ſome other Courſe taken for our Security, you cannot (with Reaſon) wonder, that We intend not to be, where We moſt deſire to be.

And can there yet want evidence of our hearty and importunate deſire to joyn with our Parliament and all our Faithful Subjects in defence of the Religion and publick good of the Kingdom? Have We given you no other earneſt but words, to ſecure you of thoſe deſires? The very Remonſtrance of the Houſe of Commons (publiſhed in *November* laſt) of the ſtate of the Kingdom allows Us a more real Teſtimony of our good Affections, than Words: that Remonſtrance valued our Acts of Grace and Juſtice at ſo high a Rate, that it declared the Kingdom to be then a gainer, tho it had charged it ſelf by Bills of Subſidies, and Poll-mony, with the Levy of 600000 *l.* beſides the contracting of a Debt to our *Scotch* Subjects of 220000 *l.*

Are the Bills for the Triennial Parliament, relinquiſhing our Title of impoſing upon Merchandize, and Power of preſſing Soldiers, for the taking away the Star-Chamber, and High-Commiſſion-Courts, for the regulating the Council-Table, but words? Are the Bills for the Foreſts, the Stannary Courts, the Clerk of the Market, and the taking away the Votes of the Biſhops out of the Lords Houſe, but words? Laſtly, What greater earneſt of our Truſt and Reliance on our Parliament, could, or can We give, than the paſſing of Bill for the continuance of this preſent Parliament? The length of which, We hope, will never alter the Nature of Parliaments, and the Conſtitution of this Kingdom, or invite our Subjects ſo much to abuſe our Confidence, as to eſteem any thing

17 *Caroli.*

fit for this Parliament to do, which were not, if it were in our power to diſſolve it to Morrow. And after all theſe, and many other Acts of Grace on our part (that we might be ſure of a perfect reconciliation betwixt us and all our Subjects) we have offered, and are ſtill ready to grant a Free and General Pardon, as ample as your ſelves ſhall think fit. Now if theſe be not real expreſſions of the affection of our Soul, for the publick Good of our Kingdom; we muſt confeſs, that we want skill to manifeſt them.

To conclude, (although we think our Anſwer already full to that point) concerning our return to *London*; we are willing to declare, that we look upon it as a matter of ſo great weight, as with reference to the Affairs of this Kingdom, and our own Inclinations and Deſires, that if all we can ſay or do, can raiſe a mutual Confidence (the only way with God's Bleſſing, to make us all happy,) and by your encouragement the Laws of the Land, and the Government of the City of *London* may recover ſome life for our ſecurity, we will overtake your Deſires, and be as ſoon with you as you can wiſh; and in the mean time, we will be ſure, that neither the buſineſs of *Ireland*, or any other Advantage for this Kingdom ſhall ſuffer through our default, or by our abſence; we being ſo far from repenting the Acts of our Juſtice and Grace, which we have already performed to our People that we ſhall with the ſame Alacrity be ſtill ready to add ſuch new ones, as may beſt advance the Peace, Honour and Proſperity of of this Nation.

To the King's moſt Excellent Majeſty,

The Humble Petition of the Lords and Commons Aſſembled in Parliament.

May it pleaſe Your Majeſty,

The Parliaments juſtification of their Declaration ſent to His Majeſty at *Newmarket*, in a Petition preſented to His Majeſty at *York March* the 26th. 1642.

YOur Majeſties Loyal Subjects, the Lords and Commons in Parliament cannot conceive, that the Declaration, which your Majeſty received from us at Newmarket, *was ſuch as did deſerve that Cenſure your Majeſty was pleaſed to lay upon us in that Speech, which your Majeſty made to our Committees there, and ſent in Writing to both Houſes; our Addreſs therein being accompanied with Plainneſs, Humility and Faithfulneſs, we thought more proper for the removing the Diſtraction of the Kingdom, then if we had then proceeded according to your Majeſties Meſſage of the* 20th. *of* January, *by which your Majeſty was pleaſed to deſire, that we would declare what we intended to do for your Majeſty, and what we expected to be done for our ſelves, in both which we have been very much hindred by your Majeſties denial to ſecure us, and the whole Kingdom, by diſpoſing the Militia, as we had divers times moſt humbly petitioned; and yet we have not been altogether negligent of either; having lately made good proceedings in preparing a Book of Rates to be paſſed in a Bill of Tunnage and Poundage; and likewiſe the moſt material Heads of thoſe humble Deſires, which we intended to make to your Majeſty for the Good and Contentment of your Majeſty and your People; but none of theſe could be perfected before the Kingdom be put into ſafety, by ſetling the Militia; and until your Majeſty ſhall be pleaſed to Concur with your Parliament in theſe neceſſary Things, we hold it impoſſible for you to give the World, or your People ſuch ſatisfaction concerning the Fears and Jealouſies, which we have expreſſed, as, we hope, your Majeſty hath already received touching that Exception, which you were pleaſed to make to Mr.* Pym's *Speech.*

As for your Majeſties Fears and Doubts, the ground whereof is from Seditious Pamphlets and Sermons, we ſhall be as careful to endeavour the Removal, as ſoon as we ſhall underſtand what Pamphlets and Sermons are by your Majeſty intended, as we have been to prevent all dangerous Tumults: and if any extraordinary concourſe of People out of the City of Weſtminſter, *had the face and ſhew of Tumult and Danger in your Majeſty's Apprehenſion, it will appear to be cauſed by your Majeſty's denial of ſuch a Guard to your Parliament, as they might have cauſe to confide in; and by taking into* White hall *ſuch a Guard for your ſelf, as gave juſt cauſe of jealouſie to the Parliament, and of terror and offence to your People: We ſeek nothing but your Majeſty's Honour, and the Peace, and Proſperity of your Kingdoms; and we are heartily ſorry we have ſuch plentiful matter of an Anſwer to that Queſtion, whether you had violated our Laws.*

We

17 Caroli.

We beſeech your Majeſty to remember that the Government of this Kingdom, as it was in a great part managed by your Miniſters before the beginning of this Parliament, conſiſted of many continued and multiplied Acts of violation of Laws; the wounds whereof were ſcarcely healed, when the extremity of all thoſe violations was far exceeded by the late ſtrange and unheard of breach of our Laws, in the Accuſation of the Lord Kimbolton, *and Five Members of the Commons Houſe, and in the Proceedings thereupon, for which we have received no full ſatisfaction.*

To your Majeſty's next Queſtion, whether you had denied any Bill, for the Eaſe and Security of your Subjects, we wiſh we could ſtop in the midſt of our Anſwer; That with much thankfulneſs we acknowledg that you Majeſty hath paſt many good Bills, full of contentment and advantage to your People; but truth and neceſſity inforceth us to add this, that even in, or about the time of paſſing thoſe Bills ſome deſign or other hath been on foot; which, if it had taken effect, would not only have deprived us of the Fruit of thoſe Bills, but have reduced us to a worſe condition of confuſion, then that wherein the Parliament found us.

And if your Majeſty had asked us the third Queſtion, intimated in that Speech, what we had done for your ſelf; our anſwer would have been much more eaſie, that we had paid two Armies, wherewith the Kingdom was burdened laſt Year; and have undergon the Charge of the War in Ireland, *at this time, when through many other exceſſive charges and preſſures, your Subjects have been exhauſted, and the Stock of the Kingdom very much diminiſhed; which great miſchiefs, and the charges thereupon enſuing, have been occaſion'd by the Evil Counſels, ſo powerful with your Majeſty, which have, and will coſt this Kingdom more then two Millions, all which in juſtice ought to have been born by your Majeſty.*

As for that free and general Pardon your Majeſty hath been pleaſed to offer, it can be no ſecurity to our fears and jealouſies, for which your Majeſty ſeems to propound it, becauſe they ariſe not from any Guilt of our own Actions, but from the Evil Deſigns and Attempts of others.

To this our humble Anſwer to that Speech we deſire to an add Information, which we lately received from the Deputy-Governor of the Merchant-Adventurers at Rotterdam *in* Holland, *that an unknown Perſon, appertaining to the Lord* Digby, *did lately ſolicite one* James Henely, *a Mariner to go to* Elſenore, *and to take Charge of a Ship in the Fleet of the King of* Denmark *there prepared, which he ſhould Conduct to* Hull; *in which Fleet likewiſe, he ſaid, a great Army was to be tranſported: And although we are not apt to give Credit to Informations of this Nature; yet we cannot altogether think it fit to be neglected, but that it may juſtly add ſomewhat to the weight of our Fears and Jealouſies, conſidering with what Circumſtances it is accompanied, with the Lord* Digby's *preceding expreſſions in his Letter to Her Majeſty and Sir* Lewis Dives, *and your Majeſty's ſucceeding courſe of withdrawing your ſelf* Northward *from your Parliament in a manner very ſuitable, and correſpondent to that Evil Counſel, which we doubt will make much deeper impreſſion in the generality of your people; and therefore we moſt humbly adviſe and beſeech your Majeſty for the procuring and ſetling the confidence of your Parliament, and all your Subjects; and for the other important Reaſons concerning the recovery of* Ireland, *and ſecuring this Kingdom, which have been formerly preſented to your Majeſty; you will be graciouſly pleaſed (with all convenient ſpeed) to return to theſe parts, and to cloſe with the Council and deſire of your Parliament, where you ſhall find their dutiful Affections and Endeavours ready to attend your Majeſty with ſuch Entertainment, as ſhall not only give your Majeſty juſt cauſe of ſecurity in their faithfulneſs, but other manifold evidences of their earneſt intentions and endeavours to advance your Majeſty's Service, Honour and Contentment, and to eſtabliſh it upon the ſure Foundation of the Peace and Proſperity of all your Kingdoms.*

His Majeſty's Anſwer to the Petition of both Houſes of Parliament, preſented to him at York *on* Saturday *the* 26th. *of* March, 1642. *by the Lord* Willoughby, *Lord* Dungarvan *and Sir* Anthony Erby.

King's Reply from *York* concerning the Militia, *&c. March* the 26th. 1642.

'IF you would have had the patience to have expected our Anſwer to your 'laſt Declaration (which conſidering the Nature of it, hath not been long in 'coming) we believe you would have ſaved your ſelves the labour of ſaying 'much of this Meſſage; and we could wiſh, that our Priviledges in all parts were 'ſo ſtated, that this way of correſpondence might be preſerved with that Free-

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'dom, which hath been uſed of old; for we muſt tell you, that if you may ask 'any thing of us by Meſſage, or Petition, and in what language (how unuſual 'ſoever) you think fit, and we muſt neither deny the thing you ask, nor give a 'Reaſon why we cannot grant it, without being taxed with breaking your 'Priviledges, or being councelled by thoſe, who are Enemies of the Peace 'of the Kingdom, and favourers of the *Iriſh* Rebellion (for we have ſeen 'your printed Votes, upon our Meſſage from *Huntington*), you will reduce all our 'Anſwers hereafter into a very little room: In plain *Engliſh*, it is to take away 'the Freedom of our Vote, which were we but a Subject were high Injuſtice; 'but being your King, we leave all the World to judge what it is.

'Is this the way to compoſe all miſunderſtandings: We thought we ſhewed 'you one by our Meſſage of the 20*th.* of *January*, if you have a better or a rea 'dier, we ſhall willingly hearken to it, for hitherto you have ſhewed us none: 'but why, the refuſal to conſent to your Order (which you call a denial of the 'Militia) ſhould be any interruption to it, we cannot underſtand; for the Mi- 'litia (which we always thought neceſſary to be ſetled) we never denied the 'thing (as we told you in our anſwer of the 28*th.* of *January* to the Petition of 'the Houſe of Commons,) for we accepted the Perſons (except for Corporations) 'we only denied the way: you ask it by way of Ordinance, and with ſuch a 'Preface, as we can neither with juſtice to our Honour, or Innocence conſent 'to: You exclude us from any Power in the Diſpoſition, or Execution of it, to- 'gether with you, and for a time utterly unlimited We tell you, we would 'have the thing done; allow the perſons (with that exception) deſire *a Bill* (the 'only good old way of impoſing on our Subjects) we are extreamly unſatisfied 'what an *Ordinance* is; but well ſatisfied, that without our conſent it is no- 'thing, not binding; and it is evident by the long time ſpent in this Argu- 'ment, the neceſſity and danger was not ſo imminent, but *a Bill* might have 'well been prepared; which if it ſhall yet be done with that due regard to Us 'and care of Our People, in the limitation of the Power, and other Circum- 'ſtances, we ſhall recede from nothing we formerly expreſſed in that Anſwer 'to your Order, otherwiſe we muſt declare to all the World, that we are not ſatis- 'fied with, or ſhall ever allow our Subjects to be bound by your printed Votes 'of the fifteenth or ſixteenth of this Month, or that under pretence of de- 'claring what the Law of the Land is, you ſhall without Us make a new Law, 'which is plainly the Caſe of the Militia; and what is this, but to introduce an 'Arbitrary way of Government.

'Concerning *Pym*'s Speech, you will have found by what the Lord *Compton*, 'and Mr. *Bainton* brought from Us, in anſwer to that Meſſage they brought 'to us, that as yet we reſt nothing ſatisfied in that particular.

'As for the ſeditious Pamphlets and Sermons, We are both ſorry and aſham'd 'in ſo great variety, and in which Our Rights, Honour and Authority are ſo 'inſolently ſlighted and vilified, and in which the Dignity and Freedom of Par- 'liament is ſo much Invaded and Violated, it ſhould be asked of Us to name 'any; the mentioning of the Proteſtation proteſted, the Apprentices Proteſtation 'To your Tents O *Iſrael*! or any other, would be too great an excuſe for the reſt: 'If you think them not worth your inquiry, We have done: but We think it moſt 'ſtrange to be told, that Our denial of a Guard (which we yet never denied, but 'granted in another manner, and under a command at that time moſt accu- 'ſtomed in the Kingdom) or the denial of any thing elſe (which is in Our 'Power legally to deny) which in Our Underſtanding (of which God hath 'ſurely given Us ſome uſe) is not fit to be granted, ſhould be any excuſe for ſo 'dangerous a concourſe of People; which not only in Our Apprehenſion, but '(We believe) in the Interpretation of the Law it ſelf, hath been always 'held moſt Tumultuous and Seditious. And We moſt wonder what, and from 'whence come the Inſtructions and Informations that thoſe people have, who 'can ſo eaſily think themſelves oblig'd by the Proteſtation to aſſemble in ſuch a 'manner for the defence of Priviledges, which cannot be ſo clearly known to 'any of them, and ſo negligently paſs over the Conſideration, and defence of Our 'Rights ſo beneficial and neceſſary for themſelves, and ſcarce unknown to any 'of them, which by their Oaths of Allegiance and Supremacy (and even by the 'ſame Proteſtation) they are at leaſt equally obliged to defend. And what 'interruptions ſuch kind of Aſſemblies may be to the Freedom of future Parlia- 'ments (if not ſeaſonably diſcountenanced and ſuppreſſed) We muſt adviſe you

to

17 *Caroli.*

'to conſider, as likewiſe whether both Our powers may not by ſuch means be 'uſurped, by hands not truſted by the Conſtitution of this Kingdom. For Our 'Guard, We refer you to Our Anſwer to your Declaration.

'By that Queſtion of Violating your Laws; by which We endeavoured to ex-'preſs Our Care and Reſolution to obſerve them; We did not expect you would 'have been invited to have looked back ſo many years, for which you have had 'ſo ample Reparation; Neither looked We to be reproached with the Actions of 'Our Miniſters (then againſt the Laws) whilſt We expreſs ſo great a Zeal for the 'preſent Defence of them, it being Our Reſolution, upon Obſervation of the 'miſchief which then grew by Arbitrary Power (though made plauſible to Us 'by the ſuggeſtions of neceſſity and imminent danger, and take you heed ye 'fall not into the ſame Error upon the ſame Suggeſtions) hereafter to keep the 'Rule Our ſelf, and to Our Power require the ſame from all others: But above 'all, We muſt be moſt ſenſible of what you caſt upon Us for requital of thoſe 'good Bills you cannot deny. We have denied any ſuch deſign, and as God 'Almighty muſt judge in that point between Us, who knows Our upright Inten-'tions at the paſſing thoſe Laws: So in the mean time We defie the Devil to 'prove that there was any deſign (with Our knowledge or privity) in or about 'the time of paſſing thoſe Bills, that had it taken effect could have deprived Our 'Subjects of the Fruit of them: And therefore We demand full Reparation in this 'point, that we may be cleared in the ſight of all the World, and chiefly in the eyes 'of Our loving Subjects, from ſo notorious and falſe an imputation as this is.

'We are far from denying what you have done, for we acknowledge the 'Charge Our People have ſuſtained in keeping the two Armies, and in relieving '*Ireland*, of the which We are ſo ſenſible, that in regard of thoſe great Burthens 'Our People have undergon, We have and do patiently ſuffer thoſe extream per-'ſonal Wants, as Our Predeceſſors have been ſeldom put to, rather then We 'would preſs upon them: which We hope (in time) will be conſidered on your 'parts.

'In Our offer of a general Pardon, Our Intent was to compoſe and ſecure 'the general Condition of Our Subjects, conceiving that in theſe times of great 'Diſtractions, the good Laws of the Land have not been enough obſerved; but 'it is a ſtrange World when Princes proffered Favours are accounted Reproaches: 'yet if you like not this Our offer We have done.

'Concerning any Diſcourſes of foreign Forces, though We have given you 'a full Anſwer in Ours to your laſt Declaration, yet We muſt tell you, We have 'neither ſo ill an opinion of Our own merit, or the affections of Our good Subjects, 'as to think Our Self in need of any foreign Force to preſerve Us from Oppreſ-'ſion (and We ſhall not need for any other purpoſe) but are confident (through 'God's providence) not to want the good Wiſhes and Aſſiſtance of the whole 'Kingdom, being reſolved to build upon that ſure Foundation, the Law of 'the Land. We take it very ill that any general Diſcourſes between an 'unknown Perſon and a Mariner, or inferences upon Letters ſhould be able to 'prevail in matters ſo improbable in themſelves, and ſcandalous to Us, for which 'We cannot but likewiſe ask Reparation, not only for the vindicating of Our own 'Honour, but alſo thereby to ſettle the minds of our Subjects, whoſe Fears and 'Jealouſies would ſoon vaniſh, were they not fed and maintained by ſuch falſe 'and malicious Rumours as theſe.

'For Our return to Our Parliament, We have given you a full Anſwer in 'Ours to your Declaration, and you ought to look on Us as not gone but dri-'ven (we ſay not by you; yet) from you. And if it be not ſo eaſie for you to 'make Our reſidence in *London* ſo ſafe as we could deſire, We are and will be 'contented that Our Parliament be Adjourned to ſuch a place, where We may 'be fitly and ſafely with you. For though we are not pleaſed to be at this di-'ſtance, yet ye are not to expect Our Preſence, until ye ſhall both ſecure Us 'concerning Our juſt apprehenſions of Tumultuary inſolencies, and likewiſe give 'Us ſatisfaction for thoſe inſupportable and inſolent Scandals that are raiſed 'upon Us.

'To conclude, as We have, or ſhall not refuſe any way agreeable to juſtice 'or Honour, which ſhall be offered to Us for the begetting a right underſtand-'ing between Us; ſo We are reſolved, that no ſtraights or neceſſities (to which 'We may be driven) ſhall ever compel Us to do that, which the Reaſon and 'Underſtanding that God hath given Us, and Our Honour and Intereſt, with

'which

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'which God hath truſted Us for the good of Our Poſterity and Kingdoms, ſhall 'render unpleaſant and grievous unto Us.

'And We aſſure you that (how meanly ſoever you are pleaſed to value the 'diſcharge of Our publick Duty) We are ſo Conſcious to Our Self of having 'done Our part, ſince this Parliament, that in whatſoever condition We now 'ſtand, We are confident of the continued Protection from Almighty God, and 'the conſtant Gratitude, Obedience, and Affection from Our People: And We 'ſhall truſt God with all.

A Meſſage from both Houſes of Parliament, ſent to the King's moſt Excellent Majeſty at York *the* 28th. *of* March, 1642.

May it pleaſe Your Majeſty,

THE Lords and Commons in this preſent Parliament aſſembled, having found it neceſſary to provide and ſet to Sea a ſtrong and powerful Navy, for the defence of this Kingdom againſt foreign Force, and for the ſecurity of Your other Dominions, the Charge whereof is to be born by the Common-wealth: And taking notice of the Indiſpoſition of the Lord Admiral, which diſables him at this time for commanding the Fleet in his own Perſon, did thereupon recommend unto his Lordſhip the Earl of *Warwick* (a Perſon of ſuch Quality and Ability as in whom they might beſt confide) to ſupply his Lordſhips room for this imployment. And underſtanding that Your Majeſty hath ſince ſignified Your pleaſure concerning that command, for Sir *John Pennington*; We do hold it our duty, to repreſent unto Your Majeſty, the great danger and miſchief the Common-wealth is like to ſuſtain by ſuch interruption. And therefore do humbly beſeech Your Majeſty that the noble Perſon recommended by both Houſes of Parliament for this Service, may no longer be detained from it, out of any particular reſpect to any other Perſon whatſoever.

To Our right truſty and wel-beloved Counſellor, Edward *Lord* Littleton *Keeper of Our Great Seal of* ENGLAND.

'RIght truſty and wel beloved Counſellor, We greet you well, We wonder 'both at the form and matter of that incloſed Paper, ye ſent Us (in the 'name of both Houſes of Parliament; in yours of the 28*th.* of *March*) it being 'neither by way of Petition, Declaration or Letter; and for the matter we be'lieve it is the firſt time that the Houſes of Parliament have taken upon them the 'Nomination, or Recommendation of the chief Sea-commander; but it adds to 'the wonder, that Sir *John Pennington* being already appointed by Us for that 'Service, upon the Recommendation of Our Admiral (which is ſo well known, 'that none can be ignorant of it) and no fault ſo much as alleadged againſt 'him, another ſhould be recommended to Us; therefore our Reſolution upon 'this point is, that We will not alter him, whom We have already appointed to 'command this Years Fleet, whoſe every way ſufficiency is ſo univerſally known, 'the which we are confident Our Admiral (if there ſhall be occaſion) will make 'moſt evident, (againſt whoſe Teſtimony We ſuppoſe Our Parliament will not 'except) And though there were yet none appointed, or the ſaid Sir *John* (through 'ſome accident) not able to perform the Service, yet the Men of that Profeſſion 'are ſo well known to Us (beſides many other reaſons) that (Our Admiral ex'cepted becauſe of his place) recommendations of that kind would not be ac'ceptable to Us.

Given at Our Court at York, *the laſt of* March, 1642.

A Queſtion anſwered: How Laws are to be underſtood, and Obedience yielded? Neceſſary for the preſent State of things, touching the Militia.

A Queſtion concerning the Militia, *April* the 22*d.* 1642.

NOW in our extream Diſtractions, when foreign Forces threaten, and probably are invited, and a Malignant and Popiſh Party at Home oftended; the Devil hath caſt a Bone, and raiſed a Conteſtation between the King and Parliament touching the Militia. His Majeſty claims the diſpoſing of

it

it to be in him by the Right of Law; the Parliament ſaith, *Rebus ſic ſtantibus, & nolente Rege*, the ordering of it is in them?

An. 1641.

The Anſwer.

Which Queſtion may receive it's ſolution by this diſtinction: That there is in Laws an equitable and a literal Senſe. His Majeſty (let it be granted) is intruſted by Law with the Militia; but it's for the Good and Preſervation of the Republick againſt Foreign Invaſions, and Domeſtick Rebellions: For it cannot be ſuppoſed, that the Parliament would ever by Law intruſt the King with the Militia againſt themſelves, or the Common-wealth, that intruſts them to provide for their Weal, not for their Woe. So that when there is certain Appearance, or grounded Suſpition, that the Letter of the Law ſhall be improved againſt the equity of it (that is, the publick Good, whether of the Body real or repreſentative) then the Commanders going againſt it's equity, gives liberty to the Commanded to refuſe Obedience to the Letter, for the Law taken Abſtract from it's Original Reaſon and End, is made a Shell without a Kernel, a Shadow without a Subſtance, and a Body without a Soul. It is the execution of Laws according to their Equity and Reaſon, which (as I may ſay) is the Spirit that gives life to Authority, the Letter kills.

Nor need this equity be expreſſed in the Law, being ſo naturally implied and ſuppoſed in all Laws, that are not meerly imperial, from that Analogy, which all Bodies Politick hold with the Natural, whence all Government and Governours hold a proportionable reſpect: and therefore when the Militia of an Army is committed to the General, it is not with any expreſs Condition, that he ſhall not turn the Mouths of Cannons againſt his own Souldiers; for that it ſo naturally and ſo neceſſarily implied, that it's needleſs to be expreſs'd, inſomuch as if he did attempt, or command ſuch a thing againſt the Nature of his Truſt and Place, it did *ipſo facto* eſtate the Army in a right of Diſobedience; except we think, that Obedience binds Men to cut their own Throats, or at leaſt their Companions.

And indeed, if this diſtinction be not allow'd, then the Legal and mixt Monarchy is the greateſt Tyranny; for if Laws inveſt the King in an Abſolute Power, and the Letter be not controlled by the Equity; then, whereas other Kings that are Abſolute Monarchs, and Rule by Will, and not by Law are Tyrants perforce: Thoſe that Rule by Law, and not by Will have hereby a Tyranny confer'd upon them Legally, and ſo the very end of Laws, which is to give bounds and limits to the exorbitant Wills of Princes, is by the Laws themſelves diſappointed; for they hereby give corroboration (and much more juſtification) to an Arbitrary Tyranny, by making legal, not aſſumed, what Laws were ordained to croſs, not to countenance; and therefore is the Letter (where it ſeems Abſolute) always to receive qualification from the Equity, elſe the foreſaid Abſurdity muſt follow.

His Majeſty's Meſſage to the Houſe of Peers, concerning the foregoing Paper.

King's Meſſage touching that Paper, *April* the 22*d.* 1642.

'HIS Majeſty having ſeen a printed Paper, intituled, *A Queſtion anſwered how Laws are to be underſtood and Obedience yielded* (which Paper he ſends 'together with this Meſſage) thinks fit to recommend the conſideration of it to 'his Houſe of Peers, that they may uſe all poſſible care and diligence for the 'finding out the Author, and may give directions to his learned Council, to 'proceed againſt him and the Publiſhers of it, in ſuch a way as ſhall be agreeable to 'Law, and the courſe of Juſtice, as Perſons who endeavour to ſtir up ſedition 'againſt His Majeſty. And His Majeſty doubts not but they will be very ſenſible 'how much their own particular intereſt (as well as the publick Government of 'the Kingdom) is and muſt be ſhaken, if ſuch Licenſe ſhall be permitted to 'bold factious Spirits to withdraw His Subjects ſtrict Obedience from the Laws 'eſtabliſhed, by ſuch Seditious and Treaſonable diſtinctions; and of Doctrines of 'this Nature. His Majeſty doubts not but that their Lordſhips will publiſh their 'great diſlike, it being grown into frequent Diſcourſe, and vented in ſome Pul'pits (by thoſe deſperate turbulent Preachers, who are the great Promoters of 'the Diſtempers of this time) *That human Laws do not bind the Conſcience*, 'which being once believed, the Civil Government and Peace of the King'dom will be quickly diſſolved. His Majeſty expects a ſpeedy Accompt of their 'Lordſhips exemplary Juſtice upon the Authors and Publiſhers of this Paper.

I do not find any Anſwer returned to this Meſſage.

The

An. 1641.

The two Houſes had drawn up and paſſed a Bill for ſettling the Militia, much to the ſame purport as their Ordinance, and ſent the ſame to His Majeſty, deſiring His Royal Aſſent thereunto, He refuſed, and gave his Reaſons in the following Meſſage.

His Majeſties Meſſage to both Houſes of Parliament, April 28. 1642. *concerning His Refuſal to Paſs the Bill for the* Militia.

King's Meſſage *April* 28 1642. of Reaſons for denying to paſs the Bill for ſettling the Militia.

'WE have with great Deliberation and Patience weighed and conſidered 'it concerning Us much, to weigh the Conſequences of every Law 'before We paſs it) your Bill lately ſent to Us, for the ſettling of the Militia; 'and tho it hath not been uſual to give any Reaſon for our Refuſal to paſs any 'Bill (it being abſolutely in our power to paſs, or not paſs any Act ſent unto 'Us by you (if We conceive it prejudicial to our ſelf, or inconvenient for our 'Subjects, for whom We are truſted, and muſt one day give an account); yet 'in this buſineſs of the Militia, which being miſunderſtood amongſt our good 'Subjects, hath been uſed as an Argument, as if We were not vigilant enough 'for the publick ſafety: And leſt we ſhould be thought leſs conſtant in our Re'ſolutions, and this Bill to be the ſame we ſent unto you; we have thought fit 'to give you, and all the world particular ſatisfaction, why we muſt not, ought 'not, cannot paſs this Bill, being the firſt publick Bill, to our remembrance, we 'have refuſed this Parliament; and therefore we muſt complain, that having ex'preſſed our Self ſo clearly, and particularly to you in this point, you ſhould 'preſs any thing upon Us, which you could not but foreſee, that we muſt refuſe, 'except we departed from thoſe Reſolutions, grounded upon ſo much Reaſon, 'which we had ſo earneſtly before acquainted you with, and againſt which you 'have not given one Argument to ſatisfie our Judgement.

'We are pleaſed, that you have declined the unwarrantable courſe of your 'Ordinance (to the which we are confident our good Subjects would never have 'yielded conſent) and choſen this only right way of impoſing on our people, 'which we would have allowed, but for the reaſons hereafter mentioned.

'We refuſed to conſent to your Ordinance, as for other things, ſo, for that the 'power was put into the perſons nominated therein by direction of both Houſes 'of Parliament, excluding Us from any power in the diſpoſition or execution 'of it together with you: We then adviſed you for many reaſons, that a Bill 'ſhould be prepared, and after in our Anſwer of the 26*th* of *March* laſt, to the 'Petition of both Houſes, we told you, if ſuch a Bill ſhould be prepared with 'that due regard to Us, and care of our People in the limitation of the power, 'and other circumſtances, we ſhould recede from nothing we formerly expreſſed.

'What paſſed (enough to have diſcouraged us from being farther ſolliciteous 'in that Argument) after our full and gracious Anſwers, we are content to for'get. When we reſolved of our Journy into *Ireland* (ſo that by reaſon of our 'abſence, there might be no want of ſettling that Power,) beſides complying 'with your Fears, we ſent, together with a Meſſage of that our purpoſe, a Bill 'for the ſettling that Power for a year, hoping in that time to return to you; 'and being ſure, that in much leſs time you might do the buſineſs, for which 'you ſeemed at firſt to deſire this, which was, that you might ſecurely conſider 'our Meſſage of the 20*th*. of *Jan* laſt. By that Bill we conſented to thoſe Names 'which were propoſed in your Ordinance, and in the limitation of the Power; 'provided, that our Self ſhould not be able to execute any thing but by your 'advice; and when we ſhould be out of the Kingdom, the ſole execution to be 'in you; with many other things of ſo Arbitrary and Uncircumſcribed 'a Power, that we ſhould not have conſented to, but with reference to the ab'ſence of our own Perſon out of the Kingdom, and thought it the more ſufferable, 'in reſpect the time was but for a year. Whether this be the Bill you have now 'ſent Us to paſs, let all the world judge.

'You have by this Bill now tendred to Us (without taking notice of Us) 'put the Power of the whole Kingdom, the Life and Liberties of the Subjects of 'all degrees and qualities, into the hands of particular men for two years. Can 'you imagin we will truſt ſuch an Abſolute Power in the hands of particular per'ſons which we refuſed to commit to both Houſes of Parliament? Nay, is not the 'Power it ſelf too Abſolute, too Unlimited, to be committed to any private

'hands;

'hands? Hath not Sir *John Hotham*'s high inſolence ſhewed Us, what we may 'expect from an exorbitant Legal Power, when he by a power not warranted 'by Law, dares venture upon a Treaſonable Diſobedience? But we would wil- 'lingly know (and indeed ſuch an account in ordinary civility we might have 'expected) why we are by this Act abſolutely excluded from any Power or 'Authority in the execution of this Militia. Sure your Fears and Jealouſies are not 'of ſuch a nature, as are capable of no other Remedy, than by leaving Us no 'Power in a point of the greateſt importance, in which God, and the Law hath 'truſted Us ſolely, and which we were contented to ſhare with you by our Bill, 'by putting it, and a greater into the hands of particular Subjects. What 'would all Chriſtian Princes think of Us, after we had paſſed ſuch a Bill? How 'would they value our Soveraignty? And yet ſure our Reputation with Forraign 'Princes is ſome ground of your ſecurity: Nay, we are confident, by that time 'you have throrowly conſidered the poſſible conſequence of the Bill upon your 'ſelves, and the reſt of our good Subjects, you, and they will give Us thanks for 'not conſenting to it, finding their condition (had it paſſed) not to have been 'ſo pleaſing unto them. We hope this Animadverſion will be no breach of your 'Priviledges in this throng of Buſineſs, and diſtemper of Affections; 'tis poſſible 'that ſecond thoughts may preſent ſomething to your conſideration, which eſ- 'caped you before.

'We paſſed, this Parliament, at your intreaty, a Bill concerning the Captives 'of *Algier*, and waved many Objections of our own to the contrary, upon in- 'formation that the Buſineſs had been many months conſidered by you. Whether 'it prove ſuitable to your intentions, or whether you have not by ſome private 'orders ſuſpended that Act of Parliament upon view of the miſtakings, you beſt 'know: As likewiſe, what other great alterations you have made in other Bills 'paſſed this Seſſion. We cannot paſs over the putting their Names out of this Bill, 'whom before you recommended to Us in your Ordinance, it ſeems, not think- 'ing fit to truſt thoſe, who would obey no guide, but the *Law of the Land*. (We 'imagine you would not wiſh, we ſhould in our eſtimation of others follow that 'your Rule) and the leaving out, by ſpecial Proviſion, the preſent Lord Mayor 'of *London*, as a perſon in your diſfavour; whereas we muſt tell you, his de- 'meanor hath been ſuch, that the City, and the whole Kingdom is beholding 'to him for his Example.

'To Conclude, We do not find our Self poſſeſſed with ſuch an exceſs of Power, 'that it is fit to transfer, or conſent it ſhould be in other perſons (as is directed 'by the Bill) and therefore we ſhall rely upon that Royal Right and Juriſdicti- 'on, which God, and the Law hath given Us, for the ſuppreſſing of Rebellion, 'and reſiſting Forraign Invaſion, which hath preſerved this Kingdom in the time 'of all our Anceſtors, and which, we doubt not, but we ſhall be able to exe- 'cute; and not more for our own Honour and Right, than for the Liberty and 'ſafety of our People, We cannot conſent to paſs this Bill.

Caroli 17.

The Declaration of the Lords and Commons in Parliament Aſſembled, concerning His Majeſties laſt Meſſage about the Militia.

THE Lords and Commons holding it neceſſary, for the peace and ſafety of this Kingdom, to ſettle the Militia thereof, did, for that purpoſe, prepare an Ordinance of Parliament, and with all Humility did preſent the ſame to his Majeſty for his Royal Aſſent; who, notwithſtanding the Faithful Advice of his Parliament, and the ſeveral Reaſons offered by them of the neceſſity thereof, for the ſecuring of his Majeſties perſon, and the peace and ſafety of his People, did refuſe to give his Conſent; and thereupon they were neceſſitated, in diſcharge of the Truſt repos'd in them, as the Repreſentative Body of the Kingdom; to make an Ordinance, by Authority of both Houſes, to ſettle the Militia, warranted thereunto by the Fundamental Laws of the Land: His Majeſty taking notice thereof, did by ſeveral Meſſages invite them to ſettle the ſame by Act of Parliament; affirming in his Majeſties Meſſage ſent in anſwer to the Petition of both Houſes, preſented to his Majeſty at *York*, *March* 26. That he always thought it neceſſary the ſame ſhould be ſettled, and that he never denied *the thing*, only denied *the way*; and for the matter of it, took exceptions only to the *Preface*, as a thing not ſtanding with his Honour to conſent to, and that *Himſelf was* Ex-

May 5. 1642. The Parliaments Anſwer.

An 1641.

Excluded in the Execution, and for a *time unlimited*: Whereupon the Lords and Commons being desirous to give his Majesty all satisfaction that might be, even to the least Tittle of Form and Circumstance; and when his Majesty was pleased to offer them *a Bill* ready drawn, did, for no other cause, than to manifest their hearty Affection to comply with his Majesties desires, and obtain his Consent, entertain the same; in the mean time no way declining their Ordinance, and to express their earnest Zeal to correspond with his Majesties desire (in all things that might consist with the peace and safety of the Kingdom, and the' trust reposed in them) did pass *that Bill*, and therein omitted the Preamble inserted before the Ordinance, limited the time to less than two years, and confined the Authority of the Lieutenants to these three particulars, namely *Rebellion, Insurrection* and *Forraign Invasion*, and returned the same to his Majesty for his Royal Assent: But all these expressions of Affection and Loyalty, all those desires and earnest endeavours to comply with his Majesty, hath (to their great grief and sorrow) produced no better effect than an absolute denial, even of that which his Majesty by his former Messages, as we conceive, had promised; the Advice of Evil and Wicked Councils, receiving still more Credit with him, than that of his Great Council of Parliament in a matter of so high importance, that the safety of his Kingdom, and the peace of his People depends upon it. But now, what must be the exceptions to this Bill? Not any sure that were to the Ordinance; for a care was taken to give satisfaction in all these particulars. Then the Exception was, because that the disposing and execution thereof was referred to both Houses of Parliament, and *His Majesty Excluded*; and now that by *the Bill* the Power and Execution is ascertain'd, and reduced to particulars, and the Law of the Realm made the Rule thereof; his Majesty will not trust *the Persons*. The power is *too great*, too unlimitted to trust them with. But what is that Power? Is it any other, but in express terms to suppress Rebellion, Insurrection and Forraign Invasion? And who are those persons? Are they not such as were nominated by the Great Council of the Kingdom, and assented to by his Majesty? And is it too great a Power to trust those persons with the suppression of Rebellion, Insurrection and Forreign Invasion? Surely the most wicked of them that advised his Majesty to this Answer, cannot suggest but that it is necessary for the safety of his Majesties Royal Person, and the peace of the Kingdom, such a power should be put in some hands, and there is no pretence of exception to the persons; his Majesty for the space of above fifteen years together, thought not a power, far exceeding this, to be too great to intrust *particular persons* with, to whose Will the Lives and Liberties of his People by *Martial* Laws were made subject; for such was the power given to *Lord Lieutenants and Deputy Lietutenants* in every County of this Kingdom, and that without the consent of his People, or authority of Law; but now in case of Extream Necessity, upon the advice of *both Houses* of Parliament for no longer space than *two years*, a *lesser* power, and that for the safety of the King and People *is thought too great* to trust particular persons with, tho named by both Houses of Parliament, and approved of by his Majesty himself: And surely, if there be a necessity to settle the Militia (which his Majesty was pleased to confess) the persons cannot be intrusted with *less* power than this, to have it at all effectual: And the Precedents of former Ages, when there hapned a necessity to raise such a Power, never straitned that Power to a narrow compass; witness the *Commissions of Array* in several Kings Reigns, and often issued out by the Consent and Authority of Parliament. The Lords and Commons therefore intrusted with the safety of the Kingdom, and peace of the people (which they call God to witness is their only aim) finding themselves denied these their so necessary and just Demands, and that they can never be discharged before God and Man, if they should suffer the safety of the Kingdom, and peace of the people to be exposed to the malice of the Malignant Party at home, or the Fury of Enemies from abroad: And knowing no other way to encounter the imminent and approaching danger, but by putting the people into a fit posture of defence, do Resolve to put their said Ordinance in present execution, and do require all persons in Authority, by vertue of the said Ordinance, forthwith to put the same in execution, and all others to obey it, according to the Fundamental Laws of the Kingdom in such Cases, as they tender the upholding of the True Protestant Religion, the safety of his Majesties person, and his Royal Posterity, the peace of the Kingdom, and the Being of this Commonwealth.

Jovis

17 *Caroli.*

Jovis 5. *Maii*, 1642.

Ordered by the Lords and Commons Aſſembled in Parliament, That this Declaration ſhall be forthwith Printed and Publiſhed.

Joh. Brown, *Cler. Parlament.*

His Majeſties Anſwer by way of Declaration, to a Printed Paper, intituled a Declaration of both Houſes of Parliament, in Anſwer to His Majeſties laſt Meſſage concerning the *Militia*.

King's Reply to the Parliaments Declaration of 5. *May* about the Militia.

WE *very well underſtand how much it is below the High and Royal Dignity (wherein God hath placed Us) to take notice, much more to trouble our ſelf with anſwering thoſe many Scandalous, Seditious Pamphlets, and Printed Papers, which are ſcattered with ſuch great Licenſe throughout the Kingdom (notwithſtanding our earneſt deſire ſo often, in vain, preſſed for a Reformation) tho we find it evident, that the minds of many of our weak Subjects have been, and ſtill are poyſoned by thoſe means, and that ſo general a terror hath poſſeſſed the minds and Hearts of all Men, that while the* Preſſes *ſwarm (and every day produceth new* Tracts *againſt the Eſtabliſhed Government of the Church and State) moſt men want the* Courage, *or the* Conſcience *to Write, or the opportunity, and encouragement to publiſh ſuch compoſed, Sober Animadverſions, as might either preſerve the minds of our good Subjects from ſuch infection, or reſtore, and recover them, when they are ſo infected; but we are contented to let our Self fall to any office that may undeceive our People, and to take more pains this way by* our own *Pen, than ever King hath done, when we find any thing that ſeems to carry the Authority, or Reputation of either, or both Houſes of Parliament, and will not have the ſame Refuted or Diſputed by common and vulgar Pens, till we are throughly informed, whether thoſe Acts have in truth that Countenance, and Warrant they pretend, which regard of ours we doubt not, but in time will recover that due reverence (the abſence whereof we have too much reaſon to complain of) to our Perſon, and our Meſſages, which in all Ages hath been paid (and no doubt is due) to the Crown of* England.

We have therefore taken notice of a Printed Paper, intituled, A Declaration of both Houſes of Parliament, in Anſwer to our laſt Meſſage concerning the Militia, *publiſhed by Command; the which we are unwilling to believe (both for the matter of it, the Expreſſions in it, and the manner of publiſhing it) can reſult from the Conſent of both Houſes; neither do we know by what Lawful Command ſuch Uncomly, Irreverent Mention of Us can be publiſhed to the world. And tho Declarations of this kind have of late (with too much boldneſs) broken in upon Us and the whole Kingdom, when one, or both Houſes have thought fit to Communicate their Councils and Reſolutions to the People; yet we are unwilling to believe, that ſuch a Declaration as* this, *ſhould be publiſhed in Anſwer to our Meſſage, without vouchſafing at leaſt to ſend it to Us as their Anſwer. Their buſineſs for which they are met by our Writ and Authority, being to* Council Us *for the good of our People, not to write againſt Us to our People, and no Conſent of ours for their long continuing together, enabling them to do any thing, but what they were firſt ſummoned by our Writ to do: At leaſt we will believe, tho miſunderſtanding and jealouſie (the juſtice of God will overtake the Fomentors of that jealouſie, and the Promoters and Contrivers of that miſunderſtanding) might produce (to ſay no worſe) thoſe very untoward expreſſions, that if thoſe Houſes had contrived that Declaration, as an Anſwer to our Meſſage, they would have vouchſafed ſome Anſwer to the Queſtion propoſed in ours; which we profeſſed did, and muſt evidently prevail over our underſtanding; and in their Wiſdom and Gravity, they would have been ſure to have ſtated the matters of Fact, as (at leaſt to ordinary underſtandings) might be unqueſtionable; neither of which is done by that Declaration.*

We deſire to know why we were by that Act abſolutely excluded from any Power, or Authority in the execution of the Militia, *and we muſt appeal to all the World, whether ſuch an attempt be not a greater and juſter ground for Fear and Jealouſie in Us, than any one that is avowed for thoſe Deſtructive Fears and Jealouſies, which are ſo publickly own'd, almoſt to the ruin of the Kingdom. But we have been told, that we* muſt not be jealous of our great Council of both Houſes of Parliament; *We*

An. 1641.

are not, no more than they are of Us, their King; and as hitherto they have not avowed any Jealouſie of, or Diſaffection to our Perſon; imputed all to our Evil Counſellors, *to a malignant Party that are not of their minds: So we do (and we do it from our Soul) profeſs no jealouſie of our Parliament, but ſome* Turbulent, Seditious *and Ambitious Natures, which (being not ſo clearly diſcerned) may have an influence, even upon the Actions of both Houſes; And if this Declaration hath paſſed by ſuch conſent (which we are not willing to believe) it is not impoſſible, but that the apprehenſion of ſuch Tumults, which have driven Us from the City of* London, *for the ſafety of our Perſon, may make ſuch an impreſſion in other men (not able to remove from the danger) to make their Conſent, or not to own a Diſſent in matters not agreeable to their Conſcience or underſtanding.*

We mentioned in that our Anſwer our diſlike of the putting of their Names out of the Bill, whom before they recommended to Us in their pretended Ordinance, *and the leaving out, by ſpecial Proviſion, the preſent Lord Mayor of* London, *to all which the Declaration affords no anſwer to that our Meſſage, and therefore we cannot ſuppoſe it was intended for an Anſwer to that our Meſſage; which whoſoever looks upon, will find to be in no degree anſwered by that Declaration.*

But it informs all our Subjects, after the mention with what Humility the Ordinance was prepared, and preſented to Us (a matter very evident in the Petitions and Meſſages concerning it) and our Refuſal to give our Conſent, notwithſtanding the ſeveral Reaſons offered of the neceſſity thereof, for the ſecuring of our Perſon, and the peace and ſafety of our People (whether any ſuch Reaſons were given, the weight of them, and whether they were not clearly and candidly anſwered by Us, the world will eaſily judge) that they were at laſt neceſſitated to make an Ordinance *by Authority of both Houſes to ſettle the Militia, warranted thereunto by the* Fundamental Laws *of the Land: But if that Declaration had indeed intended to have anſwered Us, it would have told our good Subjects what thoſe Fundamental Laws of the Land are, and where to be found; and would at leaſt have mentioned one Ordinance from the firſt beginning of Parliaments to this preſent Parliament, which endeavoured to impoſe any thing upon the Subject without the King's Conſent; for of ſuch, all the inquiry we can make could never produce Us one inſtance: And if there be ſuch a ſecret of the Law, which hath lain hid from the beginning of the World to this time, and now is diſcovered to take away the Juſt, Legal Power of the King: We wiſh there be not ſome other ſecret (to be diſcovered when they pleaſe) for the Ruin and Deſtruction of the* Liberty of the Subject: *For no doubt, if the Votes of both Houſes have any ſuch Authority to make a new Law, it hath the ſame Authority to repeal the old, and then what will become of the long Eſtabliſhed Rights and Liberties of the King and Subject, and particularly of* Magna Charta, *will be eaſily diſcerned by the moſt ordinary underſtanding.*

It is true, we did (out of the tenderneſs of the Conſtitution of the Kingdom, and care of the Law which we are bound to defend, and being moſt aſſured of the unjuſtifiableneſs of the pretended Ordinance) invite and deſire both our Houſes of Parliament, to ſettle whatſoever ſhould be fit of that nature by Act of Parliament, but were we therefore obliged to paſs whatſoever ſhould be brought to Us of that kind? We did ſay in our Anſwer to the Petition of both Houſes preſented to Us, at York, *the* 26th. *of* March *laſt (and we have ſaid the ſame in other Meſſages before) That we always thought it neceſſary the buſineſs of the Militia ſhould be ſettled, and that we never denied the* Thing, *only denied* the Way; *and we ſay the ſame ſtill, ſince the many Diſputes and Votes upon Lord Lieutenants and their Commiſſions (which were begun by Us, or our Father) had ſo diſcountenanced that Authority, which for many years together was happily looked upon with reverence and obedience by the people: We did, and do think it very neceſſary, that ſome wholſom Law be provided for that Buſineſs; but we declared in our Anſwer to the pretended Ordinance, we expected, that that neceſſary power ſhould be firſt inveſted in Us, before we conſented to transfer it to other men: Neither could it ever be imagined, that we could conſent that a greater power ſhould be in the hands of a Subject, than we were thought worthy to be truſted with our Self. And if it ſhall not be thought fit to make a new Act or Declaration in this point, we doubt not, but we ſhall be able to grant ſuch Commiſſions, which ſhall very Legally enable thoſe we truſt, to do all Offices for the peace and quiet of the Kingdom, if any diſturbance ſhall happen.*

But that Declaration ſaith, we were pleaſed to offer them a Bill ready drawn; and that they (to expreſs their earneſt Zeal to correſpond with our Deſire) did paſs that Bill; yet all that Expreſſion of Affection and Loyalty; all that earneſt deſire

of

17 *Caroli.*

of theirs to comply with Us, produced no better effect than an abſolute denial, even of what by our former Meſſages (as that Declaration conceives) we had promiſed; *and ſo proceeds (under the pretence of mentioning Evil and Wicked Councils) to Cenſure and Reproach Us in a Dialect, that we are confident our good Subjects will read with much indignation on our behalf. But ſure, if that Declaration had paſſed the examination of both Houſes of Parliament, they would never have affirmed that the Bill we refuſed to paſs was* the ſame *we ſent to them, or have thought that our Meſſage, wherein* the Difference *and contrariety between the two Bills is ſo particularly ſet down, would be anſwered with the bare averring them to be one and the ſame Bill; no more would they have declared (when our exceptions to the Ordinance and the Bill are ſo notoriouſly known to all our people) that care being taken to give ſatisfaction in all the particulars we had excepted againſt in the Ordinance, we had found* new Exceptions *to the Bill: And yet this very Declaration confeſſes, that our exception to the Ordinance was, that in the diſpoſing and execution thereof* we were excluded; *and was not this an* Expreſs Reaſon *in our Anſwer for Refuſal of the Bill, which this Declaration will needs Confute? But the power was no other than to ſuppreſs* Rebellion, Inſurrection and Forraign Invaſion, *and the perſons truſted no other than ſuch as were nominated by the Great Council of the Kingdom, and* aſſented to *by Us; and that Declaration asks, if that be too great a Power to truſt theſe Perſons with? Indeed, while ſo great Liberty is uſed in Voting, and declaring Men to be Enemies to the Commonwealth (an Engliſh Phraſe we ſcarcely underſtand) and in cenſuring men for their ſervice and attendance upon our Perſon, and in our Lawful Commands, great heed muſt be taken into what hands we commit ſuch a Power to ſuppreſs Inſurrection and Rebellion: And if Inſurrection and Rebellion have found other definitions, than what the Law hath given them, we muſt be ſure that no Lawful Power ſhall juſtifie thoſe definitions; and if there be Learning found out to make Sir* John Hothams *taking Arms againſt Us, and keeping our Town and Fort from Us,* no Treaſon and Rebellion, *we know not whether a new diſcovery may not find it* Rebellion in Us *to defend our Self from ſuch Arms, and to endeavour to recover what is ſo taken from Us; and therefore it concerns Us (till the known Law of the Land be allowed to be Judge between Us) to take heed into what hands we commit ſuch Power: Beſides, can it be thought, that becauſe we are willing to truſt certain perſons, that we are obliged to truſt them in whatſoever they are willing to be truſted? We ſay, no private hands are fit for ſuch a truſt, neither have we departed from any thing (in the leaſt degree) we offered, or promiſed before; tho we might with as much reaſon have withdrawn our truſt from ſome perſons we before had accepted, as they did from others whom they recommended. For the Power which we are charged to have committed to particular perſons, for the ſpace of fifteen years by our Commiſſions of Lieutenancy; it is notoriouſly known, that it was not a power created by Us, but continued very many years, and in the moſt happy times this Kingdom hath enjoyed (even thoſe of our Renowned Predeceſſors Queen* Elizabeth, *and our Father of Happy Memory) and whatever Authority was granted by thoſe Commiſſions, which were kept in the old Forms, the ſame was determined at our Pleaſure; and we know not, that they produced any of thoſe Calamities, which might give our good Subjects cauſe to be ſo weary of them, as to run the hazard of ſo much miſchief, as that* Bill *we refuſed might poſſibly have produced.*

For the Precedents of former Ages in the Commiſſions of Array, *we doubt not, but when any ſuch are iſſued out, that the King's Conſent was always obtained, and the Commiſſions determinable at his Pleaſure, and then what the extent of Power was, will be nothing applicable to this Caſe of the Ordinance.*

But whether that Declaration hath refuted our Reaſons for our refuſal to paſs the Bill, *or no, it hath Reſolved, and Required all Perſons in Authority, thereby to put the* Ordinance *in preſent execution and all others to obey it, according to the Fundamental Laws of the Land. But we, whom God hath truſted to Maintain and defend thoſe Fundamental Laws (which, we hope, he will bleſs to ſecure Us) do declare, that there is no* Legal Power *in either, or both Houſes, upon any pretence whatſoever, without our Conſent, to Command* any part of the Militia *of this Kingdom; nor hath the like ever been Commanded by either, or both Houſes, ſince the firſt Foundation of the Laws of this Land; and that the Execution of, or the Obedience to that pretended Ordinance is againſt the Fundamental Laws of the Land, againſt the Liberty of the Subject, and the Right of Parliaments, and a high Crime in any that ſhall henceforth execute the ſame. And we do therefore Charge and Command all our Loving Subjects, of what Degree or Quality ſoever,* upon their Allegiance, *and as they tender the*

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Peace of this Kingdom, from henceforth, not to Muſter, Levy, Array, Summon, or Warn any of our Train'd-Bands to Riſe, Muſter, or March by Vertue, or under colour of that pretended Ordinance *And to this Declaration and Command of Ours, We expect and require a full Submiſſion and Obedience from all Our loving Subjects, upon their Allegiance, as they will anſwer the contrary at their perils; and as they tender the Upholding of the true Proteſtant Religion, the Safety of Our Perſon, and Our Royal Poſterity, the Peace and Being of this Kingdom.*

By the KING.

A Proclamation forbidding all His Majeſty's Subjects, belonging to the Train'd-Bands, or Militia of this Kingdom to Riſe, March, Muſter, or Exerciſe, by Vertue of any Order or Ordinance of one, or both Houſes of Parliament without Conſent, or Warrant from His Majeſty upon pain of puniſhment according to the Laws.

May 27. 1642. King's Proclamation againſt the Militia's being raiſed by the Parliament.

WHereas by the Statute made in the 7th. Year of King Edward the Firſt, the Prelates, Earls, Barons, and Commonalty of the Realm affirmed in Parliament, that to the King it belongeth, and His Part it is, by His Royal Seigniory, ſtraightly to defend wearing of Armor and all other Force againſt the Peace, at all times, when it ſhall pleaſe Him, and to puniſh them, which ſhall do contrary, according to the Laws and Uſages of the Realm, and hereunto all Subjects are bound to Aid the King, as their Sovereign Lord, at all Seaſons, when need ſhall be. And whereas We underſtand, that expreſly contrary to the ſaid Statute, and other good Laws of this Our Kingdom, under colour and pretence of an Ordinance of Parliament without Our Conſent, or any Commiſſion or Warrant from Us, the Train'd-Bands and Militia of this Kingdom have been lately, and are intended to be put in Arms, and drawn into Companies in a Warlike manner, whereby the Peace and Quiet of Our Subjects is, or may be Diſturbed; We being deſirous by all Gracious and Fair Admonitions to prevent, that ſome Malignant Perſons in this Our Kingdom, do not by degrees ſeduce Our good Subjects from their due Obedience to Us, and the Laws of this Our Kingdom, ſubtilly endeavouring by a general Combuſtion or Confuſion to hide their Miſchievous Deſigns and Intentions againſt the Peace of this Our Kingdom, and under a ſpecious Pretence of putting Our Train'd-Bands into a Poſture, draw and engage Our good Subjects in a Warliſte Oppoſition againſt Us, as Our Town of Hull is already by the Treaſon of Sir John Hotham, who at firſt pretended to put a Garriſon into the ſame, only for Our Security and Service.

We do therefore by this Our Proclamation expreſly Charge and Command all Our Sheriffs and all Colonels, Lieutenant-Colonels, Serjeant-Majors, Captains, Officers and Souldiers belonging to the Train'd-Bands of this Our Kingdom, and likewiſe all High and Petty Conſtables, and other Our Officers and Subjects whatſoever upon their Allegiance, and as they tender the Peace of this Our Kingdom, not to Muſter, Levy, Raiſe or March, or to Summon or Warn upon any Warrant, Order or Ordinance from one, or both Our Houſes of Parliament (whereto We have not, or ſhall not give Our expreſs Conſent) any of Our Train'd-Bands, or other Forces to Riſe, Muſter, March or Exerciſe, without expreſs Warrant under Our Hand, or Warrant from Our Sheriff of the County, grounded upon a particular Writ to that purpoſe, under Our Great Seal. And in caſe any of Our Train'd-Bands ſhall raiſe, or gather together, contrary to this Our Command, We ſhall then call them in due time to a ſtrict Account, and proceed Legally againſt them as Violaters of the Laws, and Diſturbers of the Peace of the Kingdom.

Given at Our Court at *York* the 27*th.* day of *May*, 1642.

God Save the King.

17 *Caroli.*

A Declaration of the Lords and Commons in Parliament, concerning His Majeſty's Proclamation, May *the* 27th. 1642.

Parliaments Declaration in Anſwer to the ſaid Proclamation.

THE Lords and Commons having peruſed His Majeſty's Proclamation forbidding all His Majeſty's Subjects belonging to the Train'd-Bands or Militia of this Kingdom, to Riſe, March, Muſter, or Exerciſe by Vertue of any Order, or Ordinance of one or both Houſes of Parliament, without Conſent or Warrant from His Majeſty, upon pain of puniſhment according to the Laws.

Do thereupon declare, that neither the Statute of the 7*th.* of *Edward* the *Firſt*, therein vouched, nor any other Law of this Kingdom doth reſtrain or make void the Ordinance agreed upon by both Houſes of Parliament, for the ordering and diſpoſing the Militia of the Kingdom in this time of extream and imminent danger, nor expoſe His Majeſty's Subjects to any puniſhment for obeying the ſame. Notwithſtanding that His Majeſty hath refuſed to give His Conſent to that Ordinance, but ought to be obeyed by the Fundamental Laws of this Kingdom.

The Declaration of 7. *Edw.* the *Firſt*, quoted in His Majeſty's Proclamation, runneth thus; 'The King to the Juſtice of His Bench ſendeth greeting, whereas of 'late before certain Perſons deputed to treat upon ſundry Debates, had between 'us and certain great Men of Our Realm, amongſt other things, it was ac- 'corded, that in Our next Parliament, after proviſion ſhall be made by us and 'the common Aſſent of the Prelates, Earls and Barons that in all Parliaments, 'Treaties, and other Aſſemblies, which ſhould be made in the Realm of *Eng-* 'land for ever, that every Man ſhall come without all Force and Armour, well 'and peaceably to the Honour of us, and the Peace of us and our Realm, and 'now in our next Parliament at *Weſtminſter*, after the ſaid Treaties, the Prelates, 'Earls, Barons, and the Commonalty of our Realm there aſſembled to take 'adviſe of this buſineſs, have ſaid that to us belongeth, and our part is through 'our Royal Seigniory ſtraitly to defend force of Armour, and all other force a- 'gainſt our Peace at all times, when it ſhall pleaſe us, and to puniſh them 'which ſhall do contrary according our Laws and Uſuages of our Realm; and 'hereunto they are bound to aid us as their Sovereign Lord at all Seaſons when 'need ſhall be, we command you, that you cauſe theſe things to be read afore 'you in the ſaid Bench, and there to be inrolled. *Given at* Weſtminſter *the* 30th. '*day of* October.

The occaſion of this Declaration for the reſtraint of armed Men from coming to the Parliament to diſturb the Peace of it, is very improperly alledged for the maintenance of ſuch Levies as are now raiſed againſt the Parliament, the Title of the Statute being thus, to all Parliaments and Treaties, every Man ſhall come without Force and Arms; ſo that the Queſtion is not whether it belong to the King or no, to reſtrain ſuch Force, but if the King ſhall refuſe to diſcharge that Duty and Truſt, whether there is not a Power in the two Houſes, to provide for the Safety of the Parliament and Peace of the Kingdom, which is the end for which the Ordinance concerning the Militia was made, and being agreeable to the Scope and Purpoſe of the Law, cannot in reaſon be adjudged to be contrary to it, for although it do affirm it to be in the King, yet it doth not exclude thoſe in whom the Law hath placed a Power for that purpoſe, as in the Courts of Juſtice, that Sheriffs and other Officers and Miniſters of thoſe Courts, and as their Power is derived from the King by his Patents, yet cannot it not be reſtrained by His Majeſty's command, by his great Seal or otherwiſe, much leſs can the Power of Parliament be concluded by His Majeſty's command, becauſe the Authority thereof is of a higher and more eminent nature then any of thoſe Courts.

It is acknowledged that the King is the Fountain of Juſtice and Protection, but the Acts of Juſtice and Protection are not exerciſed in his own Perſon, nor depend upon his pleaſure but by his Courts, and by his Miniſters who muſt do their duty therein, though the King in his own Perſon ſhould forbid them: and therefore if Judgments ſhould be given by them againſt the King's Will and Perſonal command, yet are they the King's Judgments.

The High Court of Parliament is not only a Court of Judicature, enabled

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by the Laws to adjudge and determine the Rights and Liberties of the Kingdom, againſt ſuch Patents and Grants of His Majeſty as are prejudicial thereunto, although ſtrengthned by his Perſonal commands, and by his Proclamation under the Great Seal, but it is likewiſe a Council to provide for the neceſſity, to prevent the imminent Dangers, and preſerve the publick Peace and Safety of the Kingdom, and to declare the King's pleaſure in thoſe things that are requiſite thereunto, and what they do herein hath the ſtamp of Royal Authority, although His Majeſty ſeduced by evil Council, do in his own Perſon oppoſe or interrupt the ſame, for the King's Supream and Royal pleaſure is exerciſed and declared in this High Court of Law and Council after a more eminent and obligatory manner, then it can be by any perſonal Act or Reſolution of his own.

Seeing therefore the Lords and Commons which are His Majeſty's greateſt and higheſt Council have ordained that for the preſent and neceſſary defence of the Realm, the Train'd-Bands and Militia of this Kingdom ſhould be ordered according to that Ordinance, and that the Town of *Hull* ſhould be committed to the Cuſtody of Sir *John Hotham* to be preſerved from the attempts of Papiſts, and other malignant Perſons, who thereby might put the Kingdom into a combuſtion which is ſo far from being a force againſt the King's Peace, that it is neceſſary for the keeping and ſecuring thereof, and for that end alone is intended, and all his loving Subjects, as well by the Law as by other Laws are bound to be obedient thereunto, and what they do therein is according to that Law to be interpreted to be done in aid of the King, in diſcharge of that truſt which he is tied to perform, and it is ſo far from being liable to puniſhment, that if they ſhould refuſe to do it, or be perſwaded by any Commiſſion or Command of His Majeſty to do the contrary, they might juſtly be puniſht for the ſame according to the Laws and Uſages of the Realm, for the King by his Sovereignty is not enabled to deſtroy his People, but to protect and defend them; and the High Cout of Parliament, and all other His Majeſty's Officers and Miniſters ought to be ſubſervient to that Power and Authority: which Law hath placed in His Majeſty to that purpoſe, though he himſelf in his own Perſon ſhould neglect the ſame.

Wherefore the Lords and Commons do declare the ſaid Proclamation to be void in Law, and of none effect, for that by the Conſtitution and Policy of this Kingdom, the King by His Proclamation, cannot declare the Law contrary to the Judgment and Reſolution of any of the inferiour Courts of Juſtice, much leſs againſt the High Court of Parliament, for if it were admitted, that the King by His Proclamation may declare a Law, thereby His Proclamations will in effect become Laws, which would turn to the ſubverting of the Law of the Land, and the Rights and Liberties of the Subjects.

And the Lords and Commons do require and command all Conſtables, petty Conſtables, and all other His Majeſty's Officers and Subjects, whatſoever to Muſter, Levy, Raiſe, March, and Exerciſe, or to Summon, or Warn any upon Warrant from the Lieutenants, Deputy-Lieutenants, Captains, or other Officers of the Train'd-Bands, and all others according to the ſaid Ordinance of both Houſes, and ſhall not preſume to Muſter, Levy, Raiſe, March, or Exerciſe by Vertue of any Commiſſion or other Authority whatſoever, as they will anſwer the contrary at their Peril. And in their ſo doing, they do further declare, that they ſhall be protected by the Power and Authority of both Houſes of Parliament, and that whoſoever ſhall oppoſe, or queſtion, or hinder them in the execution of the ſaid Ordinance, ſhall be proceeded againſt as violaters of the Laws, and diſturbers of the Peace of the Kingdom.

The End of the Fourth Chapter.

Feb. 1. 1641.

AN Act for the better levying and raiſing of Mariners, and Saylors, and others for the preſent guarding of the Seas, and the neceſſary defence of this Realm and other His Majeſty's Dominions, was brought in by the Clerk ready Engroſs'd, read a *third* time (Mr. *Martin* ſpoke againſt the paſſing it, but none elſe) and ſo it paſſed upon the Queſtion, and was ſent up to the Lords by Mr. *Glyn*.

Mr. *Glyn* moved touching Mr. *Browning* a Parſon of *Eaſton* in *Eſſex*, that being newly come from *London*, he ſhould ſay to one *Francis Bowtell*, High Conſtable of the Hundred of *That the Canons and Oath made in the late Synod by the Archbiſhop of* Canterbury *and the reſt, were as good as the Proteſtation of the Par-*

Parliament, that the Five Members of the Houſe of Commons lately accuſed of High Treaſon, were juſtly accuſed, and that there were forty more among them guilty of the ſame Crime; that the King's coming to the Houſe of Commons on the 4th. *of* January *laſt, was a juſt Act.* He named alſo ſome Members of the Houſe of Commons, that had been accuſers of, and were to be witneſſes againſt the *Traitors*, as he called them. All which the ſaid *Francis Bowtell* being called in, juſtified to the Houſe: And Sir *Simon d'Ewes* informed the Houſe that the ſaid *Browning* was a notable *Arminian* and an *Altar-adorer*. Whereupon he was ſent for in Cuſtody as a Delinquent. *An.* 1641.

Sir *Nathaniel Barnardiſton* one of the Knights of the Shire for *Suffolk*, brought a Letter ready drawn for the Knights and Burgeſſes of that County, to ſend unto ſeveral Towns there, where cloathing was exerciſed, to deſire them not to repair to *London* with any numbers. Of which three Copies were ſent, one to the Mayor of *Sudbury*, a ſecond to Sir *William Spring*, to be read in the Town of *Ipworth*, and a third to the Town of *Lavenham*. *Feb.* the 3*d.*

Then the Committee proceeded upon the Bill for raiſing 400000*l.* and finiſhed it; and Mr. *Serjeant Wilde* had order to report it to the Houſe.

The Bill touching Monoplies of Wines, having after a long Debate, been referred to a Committee; the Houſe fell into a Debate concerning Mr. *Richard Long* and Mr. *Hooker*, being the two Burgeſſes ſerving in the Houſe for *Briſtow*, whoſe Names were expreſſed amongſt many others in the ſaid Bill, to have been partakers in the Monopoly of Wines; that they ſhould no longer ſit in the Houſe, and that it was an offence for them to have ſitten there ſo long. Mr. *Long* being then in the Houſe, ſpoke in vindication of himſelf; and after a ſhort Debate, the Queſtion concerning him and his fellow Burgeſs Mr. *Hooker*, was referred to the Committee for Monopolies. *Feb.* the 4*th.*

A letter was read in the Houſe from Mr. *Hugh Murrell*, directed to the *Speaker*, that divers *Iriſh-men* were lately gone from thence, and did pretend Authority from the Parliament for their paſſage: That divers Letters were ſent out of *France* to divers Inhabitants of *Dover*, in which it was ſuppoſed there might be Letters of danger encloſed, but that no body had power to ſearch and open them. That the Caſtle of *Dover* was out of repair and unfurniſhed of Arms and Ammunition. That the *Iriſh* were ſo oppreſs'd with Taxes, that they had ſcarce Bread left, and would be willing to partake the plenty of *England*. *Feb.* the 8*th.*

Some ſpake to this Letter, but no Man knew the Perſon that wrote it.

Sir *Henry Vane* the Elder, who had lately been put out of the Secretary's place, ſaid that he wondred by whoſe Hand thoſe Men had paſſes to go beyond-Sea: For when himſelf had the Honour lately to ſerve in the Secretary's place, he knew that ſuch paſſes were to come through his hand: But nothing could be reſolved on till *Murrel* were known, or he who wrote the Letter; whoſe Credit the Houſe concluded to enquire after.

Mr. *Denzil Hollis* delivered in an Examination taken before Sir *Thomas Grymes* and Sir *John Lenthall* two Juſtices of the Peace in *Surrey*, touching words ſpoken by one *John Sampſon* a mean Fellow, that *the Kingdom* would never be in quiet till Mr. *Pym*, and ſuch others as he, were hanged up. The ſaid *Sampſon* being brought into the Houſe, acknowledged he might ſpeak thoſe words, being in drink; ſo being withdrawn, it was ordered he ſhould be ſent back to the Juſtices of Peace, to be ſent to the Houſe of Correction. *Feb.* the 11*th.*

At this time the Princeſs, the Lady *Mary*, according to the deſire of the States of *Holland* was preparing to go thither, and the Queen deſired to accompany her, to which His Majeſty gave Conſent, but thought fit to acquaint the Parliament therewith. King gives leave to the Queen to go into *Holland*.

Alſo a Petition came in the Names of the Knights, Gentlemen, and Freeholders of the County of *Kent*, which was read in the Houſe of Commons, acknowledging their great care and pains for the publick. As alſo the Copy of another Petition to the Lords, praying their Conjunction with the Houſe of Commons, in the removal of the Popiſh Lords and Biſhops out of the Houſe of Peers, the evil Counſellors about the King, and the Vindication of the Priviledges of Parliament. *Kentiſh* Petition, concerning Popiſh Lords and Biſhops.

Upon a Petition delivered by many Inhabitants of *Suffolk* and part of *Eſſex* to the Houſe of Commons, with a Copy of a Petition to the Lords, for Reformation in matters of Religion, declaring how their free trading was ſtopt by the preſent deſtractions of the times. Thanks was returned to the Petitioners for their *Suffolk* Petition, concerning Popiſh Lords and Biſhops.

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care and obedience to the Orders of the Houſe in not coming in multitudes. They alſo prayed in their Petition, that the Popiſh Lords and Biſhops Votes might be taken away and ſcandalous Miniſters removed.

The Members of the Houſe, who were ſent to the King with Reaſons to move His Majeſty to give His Royal Aſſent, for the taking away all Temporal Juriſdictions from thoſe in holy Orders, and to the Bill for preſſing of Souldiers for *Ireland*, brought this Anſwer from the King, that for the firſt matter it required conſideration, and for the ſecond his Council had not ſeen or conſidered of it, but he would return as ſpeedy an Anſwer as he could.

Petitions from diverſ Counties.

Petitions at this time came to the Parliament in the Names of the Knights, Miniſters, and Freeholders of the County of *Oxford*, *Lincoln*, and *Northampton*, with a Copy of other Petitions which were preſented to the Lords (to all which Thanks were returned) deſiring the removal of Popiſh Lords and Biſhops out of the Houſe of Peers, and a good Concurrence between both Houſes.

Offer to raiſe Forces for reducing the *Iriſh* Rebels.

Upon a Petition delivered to the Houſe of Commons, from divers well affected Perſons, who therein offered to raiſe Forces upon their own Charge, and to maintain them for the reducing the *Rebels in Ireland*, and afterward to receive their recompence out of the Rebels Eſtates, as the Parliament ſhould order, the Conſideration thereof was referred to *the conſideration of* the *Iriſh* Committee.

The Houſe proceeded at this time where they left in Mr. *Pierpoint*'s Report, in nominating Perſons to be Lieutenants in the Counties of *England* and *Wales*.

The City of *London* delivered to the Houſe of Commons, a Note of the Names of ſuch as they deſired to be put in the Truſt of the Militia, which was agreed unto by the Houſe.

The Uſher of the Black Rod come to the Commons Houſe to call the *Speaker*, upon *Monday February* the 14*th.* and the Members up to ſee two Bills paſſed by Commiſſion, *viz.*

Two Bills, one againſt Biſhops Votes, the other for preſſing of Souldiers paſſed by Commiſſion.

The firſt to take away the Votes of Biſhops in Parliament, and all Temporal Juriſdictions and Offices as to be Privy-Councellors, Juſtices of the Peace, *&c.* from them, and all others in holy Orders.

The ſecond, for preſſing of Souldiers for the Service of *Ireland*, reciting, that whereas by the Laws of the Realm none of His Majeſty's Subjects ought to be impreſſed, or compelled to go out of his County to ſerve as a Souldier in the Wars, except in caſe of neceſſity of ſudden coming of ſtrange Enemies, or except they be bound by Tenure of their Lands; yet for the prevention of the Plots and and Conſpiracies in the Kingdom of *Ireland* and of this Kingdom of *England*, and for the ſuppeſſing of that dangerous Rebellion, it's enacted, that from the 1*ſt.* of *December*, 1641. to the 1*ſt.* of *November*, 1642. The Juſtices, *&c.* may Raiſe, Leavy, and Impreſs ſo many Men for Souldiers, Gunners, and Chyrurgeons, as ſhall be appointed by His Majeſty and both Houſe of Parliament for the Service of *England* or *Ireland*. And if any refuſe; to be committed to Goal for ſix Months, and alſo till he pay 10 *l.* and for default of payment, to remain in Priſon without Bail or Mainprize twelve Months more.

His Majeſty's Meſſage to both Houſes of Parliament, February *the* 14th. 1641.

His Majeſty's Meſſage, *Feb.* 14. 1641.

'THough His Majeſty is aſſured, that his having ſo ſuddenly paſſed theſe two 'Bills, being of ſo great importance, and ſo earneſtly deſired by both 'Houſes, will ſerve to aſſure His Parliament, That he deſires nothing more then 'the ſatisfaction of His Kingdom; yet that he may further manifeſt to both Houſes 'how impatient he is, till he find out a full Remedy to compoſe the preſent Di'ſtempers, he is pleaſed to ſignifie.

'That His Majeſty will by Proclamation require, that all Statutes made con'cerning Recuſants, be with all Care, Diligence, and Severity put in exe'cution.

'That His Majeſty is reſolved, that the ſeven condemned Prieſts ſhall be im'mediately baniſhed (if his Parliament ſhall conſent thereunto:) And His Majeſty 'will give preſent Order (if it ſhall be held fit by both Houſes) that a Proclamation 'iſſue to require all Romiſh Prieſts within twenty days to depart the Kingdom, and 'if any ſhall be apprehended after that time, His Majeſty aſſures both Houſes, in 'the word of a King, that he will grant no pardon to any ſuch, without conſent 'of his Parliament.

'And

17 *Caroli.*

'And becauſe His Majeſty obſerves great and different troubles to ariſe in the 'Hearts of his People, concerning the Government and Liturgy of the Church, 'His Majeſty is willing to declare, That He will refer that whole Conſideration to 'the Wiſdom of His Parliament, which he deſires them to enter into ſpeedily, that 'the preſent Diſtractions about the ſame may be compoſed. But deſires not to be 'preſſed to any ſingle Act on his part, till the whole be ſo digeſted and ſettled by 'both Houſes, that His Majeſty may clearly ſee what is fit to be left, as well as 'what is fit to be taken away.

'For *Ireland* (in behalf of which His Majeſty's heart bleeds) as His Majeſty hath 'concurred with all Propoſitions made for that Service by His Parliament, ſo He 'is reſolved to leave nothing undone for their Relief which ſhall fall within His 'poſſible power, nor will refuſe to venture His own Perſon in that War, if His 'Parliament ſhall think it convenient for the reduction of that miſerable King-'dom.

'And laſtly, His Majeſty taking notice by ſeveral Petitions of the great and gene-'ral decay of Trade in this Kingdom, and more particularly of that of Clothing, 'and new Draperies (concerning which He received lately at *Greenwich* a modeſt, 'but earneſt Petition from the Clothiers of *Suffolk*) of which decay of Trade His 'Majeſty hath a very deep Senſe, both in reſpect of the extream want and poverty 'it hath brought, and muſt bring upon many thouſands of his loving Subjects, and of 'the influence it muſt have in a very ſhort time upon the very ſubſiſtence of this 'Nation, doth earneſtly recommend the Conſideration of that great and weighty 'buſineſs to both Houſes, ; promiſing them, that He will moſt readily concur in any 'Reſolution their Wiſdoms ſhall find out, which may conduce to ſo neceſſary a 'Work.

The Houſes returns the King Thanks.

THE Lords and Commons aſſembled in Parliament, do with much joy receive and with thankfulneſs acknowledge your Majeſty's Grace and Favour in giving your Royal Aſſent to a Bill, intituled, *An Act for diſ-inabling all Perſons in holy Orders to exerciſe any Temporal Juriſdiction or Authority*: And alſo your Majeſty's care for *Ireland*, expreſſed in the diſpatch of the Bill of preſſing, ſo much importing the Safety of that, and this Kingdom.

A Meſſage from a Committee of both Houſes of Parliament to the Spaniſh *Ambaſſador to make ſtay of Ships at* Dunkirk *intended for the Supply of the Rebels in* Ireland.

To make ſtay of Ships at *Dunkirk* deſigned with Arms for *Ireland*, *Feb.* 14.

THE Lords and Commons have commanded us to intimate to the *Spaniſh* Ambaſſador, the Advertiſement that they have received of certain Ships lying in *Dunkirk* loaded with Ammunition ready to ſet Sale, intended for the Relief of the *Rebels of Ireland*: This they hold contrary to the Articles agreed upon, in the Treaties of Peace between the two Crowns; and therefore the Ambaſſador is to be moved from both Houſes, to ſend ſpeedily to *Dunkirk*, and to all other his Maſters Dominions, and unto the King his Maſter, to make ſtay of thoſe and all ſuch Ships as may carry any ſupply of Men, Victuals, Money, or any other Aid to His Majeſty's Subjects, that at this preſent are in Rebellion in *Ireland*, which otherwiſe will be underſtood to be a Breach of the Treaties between the Crowns of *England* and *Spain*, and ſo reſented by the Parliament.

A Meſſage having been ſent to the Queen from both Houſes, to vindicate themſelves from ſome falſe Reports of a Deſign to accuſe Her of Treaſon, and praying Her Majeſty to diſcover the Authors of thoſe Reports and Aſperſions, Her Majeſty returned this Anſwer.

Aſperſion caſt upon the Queen.

'THE Queen having received a Meſſage from both Houſes of Parliament by 'the *Earl of Newport and the Lord Seymor*, intimating unto her, that *ſhe had* 'been told, that the Houſe of Commons had an intention to *accuſe her of High-Treaſon*, 'and that Articles to that purpoſe had been ſhewed unto her, returns this Anſwer, 'That there was a general Report of an Accuſation intended againſt her, but ſhe 'never ſaw any Articles in Writing; and having no certain Author either for the 'one or for the other, ſhe gave little Credit thereunto, and much leſs now

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'being assured from the House of Commons, that never any such thing came in-
'to their thoughts.

'Nor will she believe they will lay an Aspersion upon her, who hath ever been
'very unapt so far to misconster the Action of any one Person, and much more the
'Proceedings of Parliament, and shall at all times with a happy understanding be-
'tween the King and his People.

A Declaration of the Causes of the present Evils and Remedies.

It is ordered that the Declaration concerning the Causes of the present Evils, and Distempers of the Kingdom, with the Remedies should be brought into the House to Morrow, to be considered of.

George Lord *Digby's* Letters intercepted.

At this time there were certain Letters taken coming from beyond-Seas from *George* Lord *Digby*, to Mr. Secretary *Nicholas*, and to Sir *Lewis Dives*, and others also with them to the Queen, which last was debated whether it was fit to be opened, and at length it was resolved for the opening of the Letters; whereupon the Commons sent a Message to the Lords for a Committee of both Houses to open the Letters and report.

Yorkshire Petition.

A Petition from the County of *York*, with a Copy of one to His Majesty, and another to the Peers, were read and approved of by the House; and Thanks given to the Petitioners by the *Speaker*, for their great Care of the Church and Commonwealth.

Lord *Digby*.

The Committee appointed to consider of the Lord *Digby*'s Letters, made their Report; and the Business was referred to a Committee, to frame a Declaration to His Majesty of Reasons for the opening these Letters, and the Copy of the Letters to be sent to His Majesty; whereupon there was drawn up the following Message.

A Message from both Houses of Parliament, sent to the King and Queens Majesties: Touching certain Letters lately intercepted and as it may be conjectured, sent from the Lord *Digby* to the Queen's Majesty.

Most Gracious Sovereign,

Touching Letters intercepted from the Lord *Digby*.

YOUR Majesty's most Loyal and Faithful Subjects the Lords and Commons in Parliament, have received your Message sent at the Instance of the Queen's Majesty, and upon consideration thereof to our great Joy and Content, find therein clear expressions of Grace and Favour from both your Majesty's, for which we return our most humble thanks, and have here with all sent the Transcript of that Letter required by *your Majesty, as likewise of two other Letters directed to Master Secretary* Nicholas *and Sir* Lewis Dives, *all which were brought to us under one Cover Indorsed to Mr.* Secretary, *with information that they were written by the Lord* Digby, *who being a Person fled from the Justice of Parliament, and one who had given many evidences of disaffection to the Publick Good; We conceived it necessary to open the two former; and finding sundry expressions in them full of Asperity and Malignity to the Parliament, We thought it very probable that the like may be contained in that to Her Majesty, and that it would be dishonourable to Her Majesty and dangerous for the Kingdom if it should not be opened, wherein we were not a whit deceived, as your Majesty may well perceive by the Contents thereof*

And altough we cannot but be very sensible of the great dishonour therein done to your Majesty's, and the malicious endeavours of fomenting and encreasing the jealousies betwixt your Majesty and your People; yet we are far from reflecting any thing upon the Queen, or expecting any satisfaction from Her Majesty, but impute all to the bold and envenomed Spirit of the Man; only we most earnestly beseech your Majesty to perswade the Queen, that she will not vouchsafe any countenance to or correspondency with the Lord Digby, *or any other of the Fugitives or Traitors, whose offences now depend under the examination and judgment of Parliament, which we assure our selves will be very effectual to further the removal of all Jealousies and Discontents betwixt your Majesty and your People, and the settling the great Affairs of your Majesty and the Kingdom, in an assured state and condition of Honour, Safety, and Prosperity.*

The Letter from the Lord *Digby* to the Queen herein mentioned, was as followeth,

Madam,

I shall not adventure to write unto your Majesty with Freedom *but by* Express, *till such time that I have a Cypher, which I beseech your Majesty to vouchsafe me. At this*

17 Car. li

The Lord *Digby's* Letter to the Queen, *Jan.* 21.

this time therefore I ſhall only let your Majeſty know, where the humbleſt and moſt faithful Servant you have in the World is here at Middleborough, *where I ſhall remain in the privateſt way I can, till I receive inſtruction how to ſerve the King and your Majeſty in theſe parts, if the King betake himſelf to a* ſafe place, *where he may avow and protect his Servants from* Rage (*I mean*) *and violence* (*for from* Juſtice *I will never implore it*) *I ſhall then live in impatience and in miſery till I wait upon you: But if after all he hath done of late, he ſhall betake himſelf to the* eaſieſt *and* compliantеſt ways *of Accommodation, I am confident that then I ſhall ſerve him more by my abſence then by all my induſtry; and it will be a comfort to me in all Calamities, if I cannot ſerve you by my actions, that I may do it in ſome kind by my* ſufferings *for your ſake, having, I proteſt to God, no meaſure of happineſs or misfortune in this world, but what I derive from your Majeſties value of my affection and fidelity.*

Middleborough, Jan. 21. 1641.

Dear Brother,

Lord *Digby's* Letter to Sir *Lewis Dives.*

I *Hope you will have received the Letter which I wrote unto you from aboard Sir* Jo. Pennington, *wherein I gave you account of the Accident of* Oneal's *man, and why I thought fitting to continue my journey into* Holland; *going ſtill upon this ground, that if things go on by way of accommodation, by my abſence the King will be advantaged. If the King declare himſelf and retire to a ſafe place, I ſhall be able to wait upon him from hence, as well as out of any part of* England, *over and above the ſervice I may do him here in the mean time. Beſides that, I found all the Ports ſo ſtrict, that if I had not taken this opportunity of Sir* John Pennington's *forwardneſs in the King's ſervice, it would have been impoſſible for me to have gotten away at any other time.*

I am now here at Middleborough, *at the Golden Fleece upon the Market, at one* George Peterſon's *Houſe, where I will remain till I receive from you Advertiſement of the State of things, and likewiſe Inſtructions from their Majeſties, which I deſire you to haſten unto me by ſome ſafe hand, and withal to ſend unto me a Cypher, whereby we may write unto one another ſurely. If you knew how eaſie a paſſage it were, you would offer the King to come over for ſome few days your ſelf; God knows I have not a thought towards my Country to make me Bluſh, much leſs Criminal, but where Traitors have ſo great a ſway, the honeſteſt thoughts may prove moſt treaſonable. Let* Dick Shirley *be diſpatcht hither ſpeedily with ſuch black Cloaths and Linnen as I have, and let your Letters be directed to the Baron of* Sherburn, *for by that name I live unknown, let care be taken for Bills of Exchange.* Middleborough Jan. 20. 1641. *Yours.*

The Committee of Lords appointed to Diſcover and Prevent Evil Councellors about His Majeſty, paſſed ſeveral Votes, which were reported to the Houſe.

Votes againſt Evil Councellors.

1. THat his Majeſty be deſired, that all Privy Councellors and Great Officers of State, except ſuch as had their Places by Inheritance be removed.

That his Majeſty would be pleaſed to receive none into thoſe Places, but ſuch as ſhall be recommended, by the Humble Advice of both Houſes of Parliament.

That Mr. *William Murray*, and *Endymion Porter*, Lord *Digby*, Mr. *William Crofts* and Sir *John Winter* be removed from the Perſons of the King and Queen, as conceived to give dangerous Counſel.

Feb. 16. *Ireland* requires a Million.

Upon *Wedneſday* the 16*th* of *February*, certain propoſitions for the raiſing of mony for the more ſpeedy and effectual reducing of *Ireland*, propoſing that not leſs than one Million of Money will perfect that work.

Bill againſt Innovations, *Feb.* 17.

Upon *February* 17. a Bill was read for ſuppreſſing of divers Innovations in the Church, for the aboliſhing of ſuperſtitious and ſcandalous Miniſters and Idolatrous Practices, the better obſervation of the Lord's Day, called *Sunday*, and for ſettling of Preaching and Preachers was read the ſecond time, and Committed.

Suſſex Petition.

A Petition was at this time read from the County of *Suſſex*, together with a Copy of a Petition to the Houſe of Peers, for a through Reformation in Religion, and a good Concurrence with the Lords.

Upon *February* 18. a Meſſage was a ſent to the Lords for their Conſent, in appointing the Earl of *Holland* to draw forth the Trained Bands upon *Tueſday* next, being *Shrove Tueſday*, to prevent diſorders, *&c.*

17 *Caroli.*

Biſhops appear.

A Meſſage was ſent from the Lords to the Commons on *February* the 19*th* to ſignifie that the twelve Biſhops were come to the Houſe of Peers, which they thought fit to acquaint the Houſe of Commons with, to the end that thoſe Members of the Houſe of Commons, who were to manage the Impeachment againſt them, might come up to the Lords Houſe, whereupon certain Members of the Houſe of Commons, who were of the Long Robe, went up accordingly.

Lord *Digby* to be charged with High Treaſon.

The Committee, appointed to draw up the Charge againſt the Lord *Digby*, made report to the Houſe, whereupon it was reſolved upon the Queſtion, that the Houſe hath ſufficient grounds to accuſe the Lord *Digby* of High Treaſon.

Upon *February* 21. the Houſe of Commons debated the King's Anſwer, ſent on *Saturday* laſt to the Petition, for the ordering of the *Militia* of the Kingdom, which was to this purpoſe, That it being a matter of great weight, and his Queen and Daughter, being both going to *Holland*, he could not ſo ſuddenly conſider of a particular Anſwer, but make reſpite until his return which would be very ſuddenly.

Whereupon the Houſe of Commons drew up another Petition, further to move his Majeſty for a ſpeedy Anſwer therein, for that the dangers of the Kingdom were ſo great that it would not admit of delay; the Lords alſo joyned in this Petition, and one Lord and two Commoners were ſent to the King therewith.

Relief going to the *Iriſh* Rebels ſtopt.

A Letter brought to the Houſe of Commons from *Devonſhire*, informing that there was a ſmall Veſſel driven into a Harbour in that Country by Croſs Winds that came from *Dunkirk*, wherein was Ammunition and ſome Commanders, and other Proviſions going to aſſiſt the Rebels in *Ireland* (as was ſuſpected) whereupon the Houſe ordered that the ſaid Veſſel ſhould be ſeized, and her Lading taken forth, and the men found in her ſent to the Parliament.

An Order drawn up, that the Corn, Victuals and other Proviſions to be ſent to relieve the Proteſtants in *Ireland*, ſhould be tranſported free of *Cuſtoms*.

A Petition againſt the ſettlement of the Militia in *London*, taken from Mr. *Gardiner*, and he Committed.

There was one Mr. *Gardner*, a rich Citizen brought before the Houſe of Commons, upon intelligence given to the Houſe, that he and ſome others had gone about to petition the King, and contradict an Order of both Houſes for the ordering of the *Militia* of the City, *viz.* that there ſhould be *a Committee of Citizens choſen by the Lord Mayor and Common Council, for the Ordering of the ſaid Militia*, which propoſition was firſt made to the Parliament by the City, and fully aſſented unto by the Lord Mayor; whereupon the Common Council, according to the Order, proceded to the making of an Election, which was confirmed by an Order of both Houſes; But the Citizens diſapproving of the Election, alledging, that by their Charter their Lord Mayor ought to be Lieutenant of the City to order the Militia, drew up a Petition for a new Election, and got about ſome 300 hands to it. Of which Petition the Houſe having notice, appointed one Mr. *Long* and ſome other (Members of the Commons) to enquire after it, who found the Petition with the ſaid Mr. *Gardner*, and brought the ſame to the Houſe; The ſaid Mr. *Gardner*, upon his Examination, refuſing to give Anſwer to ſome Queſtions propounded by the Committee, was by Order of the Houſe ſent to the Tower for his Contempt.

Feb. 24. 1641.

About thirty or forty other Citizens came to the Houſe of Commons and preſented them with a Copy of the ſaid Petition, which was drawn concerning the *Militia*, which was taken from Mr. *Gardner* by Order of the Houſe, deſiring Mr. *Long* might produce that Petition, and that it might be read in the Houſe, and they alſo preſented another Petition to the Lords concerning the ſame buſineſs; but the Houſe of Commons refuſing to have the original Petition read in the Houſe, for that there were many that ſubſcribed thereunto, who had relinquiſht their hands, gave Order that thoſe Gentlemen that brought the Copy to the Houſe, ſhould ſubſcribe their hands to the ſame, which being done, and the Petition again preſented, after a great debate concerning it, Mr. *Binion*, one of the Chief of them was twice called into the Houſe, and examined concerning it. The Houſe taking ſome offence at ſome words ſpoken by him in juſtifying the actions of himſelf and the others concerning that buſineſs, and being called in the third time, he abſented himſelf, and could not be found, whereupon there was a Committee appointed preſently to examine thoſe Gentlemen ſeverally, and to make Report thereof.

But

An. 1641.

But that Committee had not ſate long before there came a Meſſage from the Lords to deſire that there might be a Committee of the Houſe of Commons appointed to joyn with the Lords, to conſider of a Petition delivered by thoſe Citizens to the Lords that morning, whereupon the Committee of the Commons went up, and having ſpent ſome time in debate concerning it, they Ordered that thoſe Citizens ſhould be appointed again to attend the Committee the next day to be examined, and the ſaid Mr. *Binion* was afterwards Committed.

Mr. *Binion* Committed.

A Meſſage from both Houſes of Parliament unto His Majeſty concering the Prince His Son.

THE Lords and Commons in Parliament humbly deſire his Majeſty, that the Prince may not be removed from *Hampton Court*, and that for theſe enſuing Reaſons:

Feb. 24. That the Prince may not be removed.

1. They conceive that his Majeſty had reſolved, that the Prince ſhould ſtay at *Hampton Court* until his Majeſties return.

2. That the Lord Marqueſs *Hertford*, appointed by his Majeſty to be Governour of the Prince, and approved of and Commanded by the Parliament to give his perſonal attendance on the Prince, is now ſo indiſpoſed in his health, that he is not able to attend the Prince to any other place.

3. That the Prince his removal, at this time from *Hampton Court* may be a cauſe to promote Jealouſies and Fears in the hearts of his Majeſties good Subjects, which they conceive very neceſſary to avoid.

Die Jovis, 24. *Febr.* 1641.

Ordered, by the Lords and Commons in Parliament, that the Lord *Howard* of *Charelton* ſhall attend upon the King, and preſent theſe Reaſons to his Majeſty.

John Brown, *Cler. Parlament.*

His Majeſties Anſwer to the Reaſons he received, by way of Meſſage, from both Houſes concerning the Prince *His Son.*

The King's Anſwer Concerning the Prince, *Feb.* 24.

'THat his Majeſty intended at his remove from *Hampton Court* with his Royal 'Conſort, the Queen, towards *Dover*, that the Prince his Son ſhould ſtay 'at *Hampton Court* till his Majeſty returned to ſome of his Houſes, and thereupon 'aſſoon as his Majeſty reſolved, upon a certain day, to be at *Greenwich*, he Com-'manded that his Son ſhould attend him there, which was no way contrary to 'his former intention.

'2. That his Majeſty was very ſorry to hear of the indiſpoſition of the Mar-'queſs of *Hertford*, being the perſon upon whom he principally relies for the care 'of his deareſt Son. But if that indiſpoſition ſhould have laſted, his Majeſty could 'no way think fit that his want of Health ſhould have hindred the Prince from 'waiting upon his Majeſty according to his Command, and therefore would 'have been much offended if the Prince had failed of meeting his Majeſty accord-'ing to his appointment.

'3. To the Fears and Jealouſies his Majeſty knows not what Anſwer to give, 'not being able to imagin from what grounds they proceed; but if any infor-'mation have been given to that purpoſe, his Majeſty much deſires that the ſame 'may be examined to the bottom, and then he hopes, that their Fears and Jea-'louſies will be hereafter continued only with reference to his Majeſties Rights 'and Honour.

An Ordinance of both Houſes of Parliament, for the ſafegard of the Parliament, Tower and City of London, *under the Command of Serjant Major General* Skippon.

An Ordinance for ſafegard of the Parliament, City, &c.

WHereas upon the 12*th* of *January* laſt paſt (amongſt other things in that Order;) it is Ordered by the Lords and Commons in Parliament, in theſe

An. 1641. theſe words, *And for the better ſafegard of the Tower; it is further Ordered by both Houſes of Parliament; that the Sheriffs of* London *and* Middleſex, *ſhall appoint and place a* ſufficient gard *about the Tower; both by Land and Water, under the Command of Serjeant Major General* Skippon, *Commander of the gards of Parliament, and that thoſe gards be careful to ſee the former Order obſerved.* Now whereas the ſaid Serjeant Major having (in his great care and faithfulneſs) given his advice to the ſaid Sheriffs, concerning what gards he conceived to be fitting, and how the ſame gards ought to have been ordered by Water and Land, as he thought moſt advantagious for the ſaid ſervice, whereas alſo the ſaid Srejeant Major hath given his further Advice and Order to divers other perſons concerning the timely diſcovery, and preventing of any thing that might have been attempted or done contrary to the intent of the ſaid Order of both Houſes of Parliament.

And whereas the ſaid Serjeant Major *Skippon*, hath according to the Truſt repoſed in him by the City of *London*, placed the Trained Bands of the ſaid City, at the farther end of *Tower-ſtreet*; and in ſuch other places within and about the City, as he conceived to be moſt for the ſafety of the City; all and every particular of the which premiſſes, and whatſoever elſe in the ſame kind, and to the ſame ends, that he the ſaid Srejeant Major hath adviſed, or done, or ſhall adviſe, or do according to the Order aforeſaid, is hereby *well approved of*, and fully warranted by both Houſes of Parliament, as being for the real good ſervice of his Majeſty, and the Common-wealth, as alſo for the ſafety of the Parliament and City; and is in all, and every part thereof according to his Duty, the late Proteſtation, and the Laws of this Kingdom; and if any perſon ſhall Arreſt, or any other way trouble him for ſo doing, he doth break the priviledge of Parliament, violate the liberty of the Subjects, and is hereby declared an enemy to the Common-wealth.

The Votes of the Lords and Commons, upon the Propoſitions made by divers Worthy and Well-affected Perſons for the Speedy and effectual reducing of the Kingdom of Ireland.

Votes upon the Propoſitions for reducing of *Ireland.*

THE Lords and Commons taking into their ſerious Conſiderations, as well the neceſſity of a ſpeedy reducing of the Rebels of *Ireland* to their due obedience, as alſo the great ſums of money, that the Commons of *England* have of late paid for the publick and neceſſary Affairs of the Kingdom, whereof the Lords and Commons are very ſenſible and deſirous to imbrace all good and Honourable Ways tending to his Majeſties greatneſs, and Profit, the ſettling of that Realm, and the eaſe of his Majeſties Subjects of *England*; And whereas divers Worthy and Well-affected Perſons perceiving that many *Millions* of Acres of the Rebels Lands of that Kingdom, which go under the name of *profitable Lands*, will be confiſcate, and to be diſpoſed of; and that in caſe two Millions and a half of theſe Acres to be equally taken out of the four Provinces of that Kingdom, may be allotted for the ſatisfaction of ſuch perſons as ſhall diſburſe any ſums of mony for the reducing of the Rebels there, would effectnally accompliſh the ſame, have made theſe Propoſitions following,

1. That two Millions and an half of thoſe Acres may be aſſigned, allotted and divided amongſt them after this proportion, *viz.*

	l.	
For each Adventure of	200	1000 Acres in *Ulſter.*
	300	1000 Acres in *Conaught.*
	450	1000 Acres in *Munſter.*
	600	1000 Acres in *Leinſter.*

All according to the Engliſh meaſure, and conſiſting of Meadow, Arrable and profitable Paſture, the Bogs, Woods, and barren Mountains, being caſt in over and above thoſe two Millions and a half of Acres to be holden in *Free and Common Soccage* of the King, as of his Caſtle at *Dublin.*

2. That out of theſe two Millions and a half of Acres, a Conſtant Rent ſhall be reſerved to the Crown of *England*, after this Proportion, *viz.*

		d.	
Out of each Acre thereof in	*Ulſter.*	1.	
	Canaught.	2.	½.
	Munſter.	2.	¼.
	Leinſter.	3.	

Where-

Caroli 17.

whereby his Majeſties Revenue, out of thoſe Lands, will be much improved, beſides the advantages that he will have by the coming to his hands of all other the lands of the Rebels and their perſonal Eſtates, without any Charge to his Majeſty.

3. That for the erecting of *Mannors*, ſettling of Waſts and Commons, maintaining of preaching *Miniſters*, creating of *Corporations*, and regulating of the ſeveral Plantations, one or more Commiſſions be hereafter granted by Authority of Parliament.

4. That mony for this great occaſion may be the more ſpeedily advanced, all the undertakers in the City of *London*, and within 20. miles diſtant thereof, ſhall under-write their ſeveral ſums before the 20th day of *March* 1641. and all within 60. miles of *London* before the firſt of *April* 1642. And the reſt of the Kingdom before the firſt day of *May* 1642.

5. That the ſeveral ſums to be under-written, ſhall be paid in at four payments, *viz.* one fourth part within ten days after ſuch under-writing, and the three parts at three months, three months, and three months, all to be paid into the Chamber of *London*.

6. That for the better *ſecuring* of the ſaid ſeveral ſums accordingly, every one that doth ſo under-write, ſhall at the time of his ſubſcription pay down the 20th part of the total ſum that ſhall be by him then under-written.

And in caſe that the reſidue of his firſt 4th part be not paid in to ſuch perſon or perſons, as ſhall be appointed to receive the ſame, within ten days before limited, then ſuch party ſhall not only forfeit the 20th part of the ſum total formerly depoſited, but ſo much more of his firſt 4th payment to be added thereunto, as ſhall make up the one moyety of the ſaid firſt payment; and if the ſame perſon ſhall fail in any other of the three payments, he ſhall then forfeit his entire firſt 4th part, and all the benefit of his ſubſcription; which forfeiture ſhall accrue to the common benefit of the reſt of the Undertakers.

The Lords and Commons, upon due and mature deliberation of theſe propoſitions, have approved of them, and given their conſent unto the ſame, and will become humble Petitioners to his Majeſty for his Royal Approbation thereof, and that hereafter he will be pleaſed, upon the humble ſuit of both Houſes of Parliament, to give his Royal aſſent to ſuch *Bills* as they ſhall tender unto him for the ſettling of thoſe propoſitions and all other things neceſſarily conducing thereunto.

His Majeſties Gracious Anſwer and Aſſent declared unto the Propoſitions of both Houſes of Parliament, February 24. 1641. *was as followeth.*

King's Aſſent to theſe Propoſitions.

'HIS Majeſty being very glad to receive any Propoſition that may repair 'the Calamity of his diſtreſſed Kingdom of *Ireland*, eſpecially when it 'may be without burthen or impoſition, and for the eaſe of his good Subjects of 'this Kingdom, hath graciouſly conſidered the overture made by both Houſes of 'Parliament to that purpoſe, and returns this Anſwer.

'That as he hath offered, and is ſtill ready to venture his own Royal Perſon 'for the recovery of that Kingdom, if his Parliament ſhall adviſe him thereun-'to, ſo he will not deny to contribute any other aſſiſtance he can to that ſervice, 'by parting with any profit or advantage of his own there; And therefore (re-'lying upon the Wiſdom of his Parliament) doth conſent to every Propoſition 'now made to him, without taking time to examine, whether this courſe may 'not retard the reducing of that Kingdom by exaſperating the Rebels, and ren-'dring them deſperate of being received into Grace if they ſhall return to their 'Obedience.

'And his Majeſty will be ready to give his Royal Aſſent to all ſuch Bills as 'ſhall be tendred unto him by his Parliament for the confirmation of every par-'ticular of this propoſition.

Die Veneris, Feb. 25. 1641.

Ordered, By the Lords in Parliament, that the Propoſitions concerning *Ireland*, and his Majeſties Gracious Anſwer thereunto, together with the *directions*, ſhall be forthwith printed and publiſhed.

And

An. 1641.

And for the better effecting of this Work, the Lords and Commons have thought fit to publish these ensuing directions.

Directions touching Subscriptions for *Ireland.*

WHereas according to the proportion of Lands in the Propositions mentioned (being two millions and a half of Acres) the sums to be underwritten, will not exceed one million of money, it will be requisite, that together with the sums under-written, the day and time of each subscription be likewise set down, to the intent that those who do under-write before the Million of mony shall be made up, may not be excluded from the benefit of their respective subscriptions, in case they make payment of the respective sums according to the propositions.

Nevertheless, if any shall under-write after the million of money shall be made up, they shall be admitted to the shares of such as (having under-written to the million) shall fail of payment according to the propositions, or else (at their election) shall be forthwith repaid all such sums as they shall have paid in, upon hope of taking benefit of the propositions.

2. The places to be appointed for the several under-writings, to be —— for the Cities of *London* and *Westminster*, and the Counties of *Surrey* and *Middlesex*, *the Chamber of London*: For all other Counties in *England* and *Wales*, the Towns where the last Assizes were kept: But any of those Counties that shall desire to under-write in *London*, may be at liberty to do it there.

3. The persons to be imployed in taking the under-writings, and receiving the monys for *London* and *Westminster*, *Middlesex* and *Surrey*, are to be such, as upon further consultation with the Citizens of *London*, shall be appointed. And in all other Counties respectively the Sheriffs of the said Counties, who are to give Acquittances for such sums as they shall receive.

4. That printed Books of the Propositions, and his Majesties Answer thereunto, and of the Instructions shall be sent, and Letters written from the *Speaker* to the several *Sheriffs* of the said Counties, who shall publish the Books and Letters at the next *Assizes*, and shall then likewise give publick notice of the times and places by them to be appointed, as well for the several under-writings, as for the payment of the sums that shall be under-written: And for the better publishing of these Books, the several Citizens and Burgesses of the House of Commons shall forthwith send down several Books and Letters to the Head Officers of their Cities and Burroughs respectively.

5. That the several Sheriffs shall from week to week send up to the *Chamber of London*, a true List of the Names and Sums subscribed, and of the time of the subscriptions.

6. For the better encouragement of such persons as shall be imployed for the City of *London* and the parts adjoyning, as likewise of the said Sheriffs, and such other persons as shall be by them imployed herein, it shall, and may be lawful for the said Sheriffs, and for the said persons appointed for the City of *London* respectively, to deduct and retain to his or their use, after the rate of one penny in the pound, for their pains and charges in receiving the said sums, and in returning the same.

7. That together with the printed Propositions and Letters from the Speaker, Paper-Books with Titles prefixed, shall be sent down to the Sheriffs of each County, in the beginning of which Books, next under the Titles, the Knights, Citizens and Burgesses respectively, that serve for the same, and who shall underwrite any sum, according to the said Propositions, shall subscribe their Names and Sums in the first place.

A Letter sent from both Houses of Parliament to all the High Sheriffs of this Kingdom, to promote the late Propositions for *Ireland.*

Mr. Sheriff,

THE *Lords and Commons being deeply sensible of the unspeakable Calamities, which his Majesties good Subjects of the Kingdom of* Ireland *do now suffer by the barbarous Cruelties and Massacres of the Rebels there; and conceiving these Propositions herewith sent (being Ratified by his Majesties Royal Assent, and the unanimous Approbation of both Houses of Parliament) do undoubtedly tend to the speedy and effectual reducing of those bloody Rebels, the propagating of the Protestant Religion, the Augmenting of the Greatness, and the Revenue of the Crown of* England, *and the establishing of an happy and firm Peace, for the future, in his Majesties three Kingdoms; and*

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and all this to be effected (by God's Gracious aſſiſtance) without the general Charge of the Subject, and to the great advantage of thoſe, that ſhall under-write, have thought fit to require you to publiſh theſe Printed Propoſitions and Inſtructions at this Lent-Aſſizes, to the intent, that all his Majeſties good People within your County, may take notice of the benefit they may receive by under writing in due time; and that ſo many of them, then preſent, and willing to ſubſcribe, may give up a Note of their Names, Sums and Dates of their Subſcriptions to you, to be entred in the Paper-Books, mentioned in the Printed Inſtruſtions, which is forthwith to be ſent unto you; and you are further directed hereby, at this Lent-Aſſizes, (if they be not paſt) by the Adviſe and Aſſiſtance of the Juſtices of Peace for your County, then preſent, to appoint certain days and places moſt convenient for this ſervice, when, and where your ſelf and the Juſtices of Peace within each Diviſion, will be preſent, to receive the Names, Sums and Times of Subſcription of ſuch his Majeſties well-affected Subjects within your County, as ſhall not have ſubſcribed at this Lent-Aſſizes, their Names, Sums and Times of Subſcription, to be likewiſe entred in the Paper-Book; and if this Letter come to your hands after the Aſſizes, then to appoint ſuch Times and Places, as may beſt ſpeed their ſervice. And further, your ſelf, the Juſtices of Peace, and the Miniſters of God's Word, and Perſons of Quality within your County, are hereby earneſtly deſired to ſhew themſelves active and exemplary in advancing this great and pious Work; 'tis a ſervice tending ſo much to the Glory of God, the Honour and Profit of his Majeſty, and the Peace and Tranquillity of his three Kingdoms for the future. And you are likewiſe to inform thoſe that ſhall under-write, that the Act of Parliament (which his Majeſty hath promiſed to paſs, for the ſettling of thoſe two millions and a half of Acres) is already in hand, and that the Lands are to be divided ſo indifferently by Lot among them that under-write, that no one man whatſoever ſhall have more reſpect and advantage than other, in diviſion. And laſtly, you are to give a ſpeedy account to the Parliament of your Proceedings herein, and of thoſe that do really advance this ſervice: Thus not doubting of your utmoſt Care and Diligence herein, we bid you heartily Faremel.

The Propoſitions ratified by Acts of Parliament.

And the ſubſtance of theſe Propoſitions was ſoon after reduced into a *Bill*, and having paſſed both Houſes received his Majeſties Royal Aſſent, *Anno* 17. *Car.* And three other Additional Acts touching the ſame, paſſed *Anno* 18. *Car.* to admit *Scotch* and *Dutch* to ſubſcribe, and to accept of Subſcriptions for ſmaller ſums, as of 10 *l.* or 20 *l.* For which they were to have Lands in *Ireland*, proportionate to the former Propoſals, *&c.*

Feb. 25. Organs and Images in Churches.

A Committee ſate in the Court of Wards concerning *Relicks*, *Crucifixes*, *Organs* and *Images* in Churches, whereupon it was ordered by the Houſe, that between this time and a prefixed day in the month of *May*, all thoſe *Relicks* ſhould be taken down, and in caſe of the Church Wardens neglect herein, any two Juſtices of the Peace within that County, ſhould have power to execute the Parliaments Commands; and ſome were ſo zealous in taking down Croſſes and Crucifixes, as they took down the *Sign of Charing Croſs*, being the Sign of a *Tavern*, near that place where *Charing Croſs* ſtood.

A Tavern Sign taken down as ſuperſtitious.

Militia.

The Lords ſent a Meſſage to the Commons upon *February* 25. that they had received another Meſſage from his Majeſty in anſwer to their laſt Petition, concerning the ordering of the *Militia* of the Kingdom to this effect, that upon his Majeſties coming to *Greenwich* on *Saturday* next, he would return an abſolute Anſwer concerning that buſineſs.

The Pope is angry with the Parliament.

Upon *Saturday*, *February* 26. Secretary *Nicholaus* ſent a Letter to the Houſe of Commons, which he had received lately from a great Perſon in *Venice*, giving him to underſtand, that the Pope of *Rome* was much incenſed at the proceeding of this Parliament againſt Popiſh Prieſts and *Romiſh Recuſants*, and if they ſo proceeded, his Holineſs would cauſe an Army to be raiſed, and ſent into *Ireland*, and that the Pope takes it ill that the Parliament will not diſcharge the ſeven Prieſts, whom his Majeſty hath reprieved.

The Houſes Reſolution thereupon.

After the reading of this *Letter* it was moved, that they ſhould deſire the Lords to joyn with them to move his Majeſty, that the ſeven Prieſts might be *preſently hanged*, and they drew up an Order that the *Capuchin* Fryers at *Somerſet Houſe*, ſhould be preſently apprehended, and brought to the Parliament.

France.

At this time there was Letters came out of *France*, that there was great preparation of Shipping and Soldiers there, and it is ſuſpected they were intended for the relief of the Rebels in *Ireland*.

Upon *Munday* the laſt of *February*, the Lords ſent a Meſſage to the Commons

to

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to inform them, that to thoſe Lords, that were ſent to *Greenwich* on *Sunday* laſt to bring the Prince back to *London*, his Majeſty had given this Anſwer, that he would take charge of the Prince, and carry him along with him in his intended journey, his Majeſty further adding, that he did not know any ground of ſuch fears, that there ſhould be any ill intended againſt the Prince.

March 1641.

WHen the Queen and her Daughter, the young Princeſs of *Orange*, had ſet ſail for *Holland*, the King came back to *Greenwich*, whither he ſent for the Prince and Duke of *York* to come to him, and attend him in his Journey to the City of *York*, which was the place where he intended to reſide, and to that purpoſe immediately went on his way as far as *Theobalds*; to which place he was followed with a Petition from both Houſes, preſented to him on the firſt of *March* 1641. (which ſee above, Chapter of the Militia, as alſo the King's Anſwer.)

Notwithſtanding what the Parliament could alledge to diſſwade him, the King proſecutes his Northern Journey, where he arrived on the 19th of this Month, being attended at divers places in his Journey with Petitions from both Houſes, which becauſe they relate chiefly to the buſineſs of the Militia, have been likewiſe inſerted into that Chapter, as alſo the King's Anſwers thereunto, and the Votes and Meaſures made and taken by the Parliament thereupon.

Wedneſday, 2d *March*.

An Order to the Lords and Commons concerning the Navy.

The Lords and Commons, in this preſent Parliament Aſſembled, having received Advertiſements of extraordinary preparations made by the Neighbouring Princes, both by Land and Sea; the intentions whereof have been ſo repreſented, as to raiſe an apprehenſion in both Houſes, that the publick Honour, Peace and Safety of his Majeſty and this Kingdom cannot be ſecured, unleſs a timely courſe be taken for putting the Kingdom into a condition of defence at Sea as well as Land. It is therefore Ordered by the Lords and Commons aforeſaid, That the Earl of *Northumberland*, Lord High-Admiral of *England*, do forthwith give effectual direction and order, that all, and every the Ships belonging to his Majeſties Navy, which are fit for ſervice, and not already abroad, nor deſigned for this Summers Fleet, be with all ſpeed Rigged and put in ſuch a readineſs, as that they may ſoon be fitted for the Sea. And that his Lordſhip do alſo make known to all the Maſters and Owners of ſuch Ships, as now are in, or about any the Harbors of this Kingdom, and may be of uſe for the publick defence thereof, that it will be an acceptable ſervice to the King and Parliament, if they likewiſe will cauſe their Ships to be rigged, and ſo far put in a readineſs, as they may be at a ſhort warning ſet forth to Sea, upon any emergent occaſion, which will be a means of great ſecurity to his Majeſty and his Dominions.

On the 16th of *March*, the King being at *Stamford*, iſſued a Proclamation for putting in Execution the Laws againſt Papiſts, as Followeth.

By the KING.

A Proclamation againſt Popiſh Recuſants.

THE King's moſt Excellent Majeſty having been formerly moved by his Parliament for putting the Laws in Execution againſt Papiſts, whereto he hath from time to time ſtill given his gracious Anſwers, expreſſing his willingneſs thereunto: But now finding that no ſuch proceedings againſt them have been yet had, as might anſwer his Majeſties expectation; his Majeſty therefore out of his Princely and Pious Care, as well for maintaining the true Proteſtant Religion eſtabliſhed in this Kingdom, as for ſuppreſſing, by lawful ways, all increaſe and growth of Popery, hath thought fit to publiſh his Royal Pleaſure therein: Wherefore his Majeſty doth hereby ſtraitly Charge and Command all, and every his Judges and Juſtices of Aſſize, Sheriffs, Juſtices of the Peace, and other his Officers and Miniſters whatſoever, whom it doth any way concern, That they, and every of them, according to the duties of their ſeveral Offices and Places, do forthwith, and without further delay put in due and effectual execution the Laws and Statutes of this Realm

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Realm provided and made againſt Popiſh Recuſants, and that without favour or connivence, as they tender His Majeſty's Juſt and Loyal Commands, and the good of this Church and Kingdom, and will anſwer for neglect of their Duties herein.

Given at His Majeſty's Court at *Stamford* the 16*th.* day of *March* in the ſeventeenth Year of His Reign.

Wedneſday 16. of *March*, 1641.

An Order of the Lords concerning private Perſons.

WHereas the Lords in the upper Houſe of Parliament, do find that there are many Petitions concerning private Perſons depending now before their Lordſhips, and conceive that many more may be brought into that Houſe, if timely Advertiſement be not given to the contrary, which may occaſion the repair and attendance of divers of His Majeſty's loving Subjects upon their Lordſhips; who cannot give a diſpatch to private buſineſſes, by reaſon of the many publick and great Affairs that now lye before them, concerning the Safety and Weal of His Majeſty's Kingdoms.

It is therefore thought fit and ſo ordered by the Lords in Parliament, that all private buſineſſes ſhall be hereby deferred and put off, until the *firſt* day of the next Term, being the 27*th.* of *April* next: Whereof this Houſe doth hereby give notice to all his Majeſty's loving People, to prevent the Charge and Trouble, which otherwiſe the Petitioners might be put unto in repairing unto the Houſe at this time.

John Brown, *Cleric. Parlament.*

The King being come to *York* renews his Claim to the Duties of Tunnage and Poundage, though the late Act that gave them, was expired; and accordingly publiſhes this enſuing Proclamation.

By the KING.

A Proclamation concerning the true Payment of Tunnage and Poundage.

Tunnage and Poundage.

WHereas in and by the laſt Act of this preſent Parliament concerning Tunnage and Poundage (intituled, A Subſidy granted to the King of Tunnage, Poundage, and other Sums of Money payable upon Merchandize exported and imported) it is provided, That no Penalty or Forfeiture contained in the ſaid laſt Act, or in an Act made in the Firſt Year of His Majeſty's late Royal Father King James, (intituled, A Subſidy granted to the King of Tunnage, Poundage, Woolls, &c.) do or ſhall enſue to any Perſon or Perſons, unleſs they refuſe to compound for any Merchandize or Goods imported or exported, after notice given of the ſaid laſt Act, Penalty and Forfeiture by Proclamation, where the ſaid Goods are or ought to be entred.

His moſt Excellent Majeſty, leſt any His loving Subjects or others (under pretence of Ignorance) ſhould forbear to pay the ſaid Tunnage, Poundage, and other Sums of Money payable upon Merchandize or Goods either exported or imported contrary to the Tenour of the ſaid laſt Act, and for the more ſpeedy publiſhing thereof, hath thought fit (by Advice of His Parliament) hereby to declare His Royal Will and Pleaſure to be, That all His loving Subjects and others, whom it ſhall or may concern, do take notice of the ſaid laſt Act: And that they and every of them do accordingly pay the ſaid Tunnage and Poundage, and other Sums of Money, thereby laid or impoſed upon Merchandizes, or Goods either imported or exported, under the Pains and Penalties in the ſaid laſt Act, and in the ſaid Act made in the Firſt Year of the Reign of His Majeſty's ſaid late Father, or either of them provided or expreſſed: And to be farther puniſhed according to the Law for their contempt of His Majeſty's Royal Commandment herein.

And therefore His Majeſty doth hereby ſtraitly charge and command as well all and every His Cuſtomers, Controllers, Collectors, Searchers, Waiters,

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Waiters, and others the Officers and Miniſters in all and every His Majeſty's Ports and Havens, and the Members thereof within his Kingdom of England, and Dominion of Wales, as all Juſtices of the Peace, Mayors, Sheriffs, Bailiffs, Conſtables, Headboroughs and other His Majeſty's Officers and Miniſters, to whom it ſhall or may appertain, that they and every of them in their ſeveral Offices and Places reſpectively, do take care that all and every the Premiſſes be fully executed and performed according to His Majeſty's Royal Will and Pleaſure herein declared, as they will anſwer the contrary at their utmoſt Perils.

Given at Our Court at *York* the 24*th.* day of *March*, in the ſeventeenth Year of Our Reign.

The very ſame day the Lords and Commons publiſhed this Order concerning the ſame.

Thurſday 24. of *March*, 1641.

WHereas the Bill of Tunnage and Poundage is this day expired, and a new Bill paſt both Houſes for the continuance of thoſe Payments until the *third* day of *May*, which cannot as yet receive the Royal Aſſent, in regard of the remoteneſs of his Majeſty's Perſon from the Parliament, which Monies to be collected by that Bill, are to be imployed for the neceſſary guarding of the Seas, and defence of the Common-wealth; It is therefore ordered by the Commons now aſſembled in Parliament, that the ſeveral Officers belonging to the *Cuſtom-houſe*, both in the Port of *London* and the out-Ports, do not permit any Merchant or other, to lade or unlade any Goods or Merchandizes, before ſuch Perſons do firſt make due entries thereof in the *Cuſtom-houſe*: And it is alſo hereby declared by the ſaid Commons, That ſuch Officers upon the reſpective entry made by any Merchant, as aforeſaid, ſhall intimate to ſuch Merchant, that it is the Advice of the Commons for the better eaſe of the ſaid Merchants, and in regard the reſpective duties will relate and become due as from this day; that the ſaid Merchants upon entry of their Goods, as uſually they did, when a Law was in force for that purpoſe, would depoſite ſo much Money as the ſeveral Cuſtoms will amount unto, in the Hands of ſuch Officers, to be by them accounted to his Majeſty, as the reſpective Cuſtoms due by the ſaid Bill, when the ſaid Bill ſhall have the Royal Aſſent; or otherwiſe his Majeſty refuſing the paſſing thereof, the ſaid Monies to be reſtored upon demand unto the ſeveral Merchants reſpectively.

H. Elſing, *Cleric. Parl. Dom. Com.*

Sabbathi 3. *April*, 1642.

One ſentenced in the Houſe of Lords for ſpeaking words againſt the Parliament.

THE Houſe was this day informed by the Depoſitions of ſeveral witneſſes at the Bar, that *Edward Sanderford* a Taylor of the City of *London*, ſaid, That the Earl of *Eſſex* was *a Traytor*, that all the Parliament were *Traytors*, that the Earl of *Warwick* was *a Traytor*, and wiſhed his Heart in his Boots, and that he curſed the Parliament, and wiſhed Mr. *Pym* (calling him *King Pym*) and Sir *John Hotham* both *hanged*.

This evidence being given before the ſaid *Sanderford*, he was asked what he could ſay for himſelf, who being not able to make any defence, was commanded with the witneſſes to be withdrawn; And afterwards the Houſe taking the whole matter into ſerious conſideration, commanding that the ſaid *Sanderford* ſhould be again brought to the Bar, and did then by the *Speaker* pronounce this Judgment againſt him (*viz.*)

1. That the ſaid *Edward Sanderford* ſhould be fined to our Sovereign Lord the King in the Sum of one hundred Marks.

2. That he ſhall ſtand on the *Pillory* in *Cheap-ſide* and *Weſtminſter*, with a Paper on his Head declaring his offence.

3. That when he ſhall be taken off the *Pillory*, in each place he ſhall be whipped from thence at a Carts-Tayl, the firſt day to the *Fleet* and the ſecond day to *Bridewell*.

4. That he ſhall ſtand committed to the Houſe of Correction in *Bridewell*, there to be kept to work during his life.

Die

Die Sabbathi 9. Aprilis, 1642. 18 *Caroli.*

A Declaration of both Houſes touching Church-Government, *April* the 9th.

THE Lords and Commons do declare, That they intend a due and neceſſary Reformation of the Government and Liturgy of the Church, and to take away nothing in the one or the other, but what ſhall be evil and juſtly offenſive, or at the leaſt unneceſſary and burthenſome: And for the better effecting thereof, ſpeedily to have conſultation with godly and learned Divines. And becauſe this will never of it ſelf attain the end ſought therein, they will therefore uſe their utmoſt endeavours to eſtabliſh learned Preaching Miniſters with a good ſufficient maintainance throughout the whole Kingdom, wherein many dark corners are miſerably deſtitute of the means of Salvation, and many poor Miniſters want neceſſary Proviſion.

Ordered by the Lords in Parliament, That this Declaration of both Houſes touching the Government and Liturgy of the Church, ſhall be forthwith printed and publiſhed by the Sheriffs in their ſeveral Counties in all the Market-Towns within the Kingdom of *England* and Dominion of *Wales*.

His Majeſty's Meſſage ſent to the Parliament the 8th. *of* April, 1642. *concerning His Reſolution to go into* Ireland, *for ſuppreſſing the Rebels there.*

King's offer to go in Perſon into *Ireland*, *April* 8. 1642.

'HIS Majeſty being grieved at the very Soul, for the Calamities of his good 'Subjects of *Ireland*, and being moſt tenderly ſenſible of the falſe and 'ſcandalous Reports diſperſed amongſt the People, concerning the *Rebellion there*; 'which not only wounds His Majeſty in Honour, but likewiſe greatly retards the 'reducing of that unhappy Kingdom, and multiplies the Diſtractions at home, 'by weakning the mutual confidence between Him and His People; out of his 'pious Zeal to the Honour of Almighty God, in eſtabliſhing the true Prote 'ſtant Profeſſion in that Kingdom, and his Princely Care for the good of all 'his Dominions, hath firmly reſolved, with all convenient ſpeed to go into *Ire-* '*land*, to chaſtiſe thoſe wicked and deteſtable Rebels (odious to God, and all 'good Men) thereby ſo to ſettle the Peace of that Kingdom, and the Security 'of this, that the very Name of Fears and Jealouſies may be no more heard of 'amongſt us.

'As His Majeſty doubts not, but that his Parliament will chearfully give all 'poſſible aſſiſtance to this good Work; ſo he requires them, and all his loving 'Subjects to believe, that he ſhall, upon thoſe Conſiderations, as earneſtly purſue 'this deſign (*not declining any hazard of his Perſon in performing that Duty* which 'he oweth to the defence of God's true Religion, and his diſtreſſed Subjects) 'as for theſe, and only theſe ends he undertakes it; to the ſincerity of which Pro- 'feſſion *he calls God to witneſs*, with this farther aſſurance, that His Majeſty *will 'never conſent (upon whatſoever pretence) to a Toleration of the Popiſh Profeſſion there*, 'or the Abolition of the Laws now in force againſt Popiſh Recuſants in that 'Kingdom.

'His Majeſty hath farther thought fit to advertiſe this Parliament, that towards 'this Work he intends to raiſe forthwith by his Commiſſions, in the Counties 'near *Weſtcheſter*, a *Guard for his own Perſon* (when he ſhall come into *Ireland*) 'conſiſting of *two thouſand Foot* and *two hundred Horſe*, which ſhall be armed at '*Weſtcheſter* from his Magazine at *Hull*: At which time all the Officers and Soul- 'diers ſhall take the Oaths of Supremacy and Allegiance: The Charge of raiſing 'and paying whereof His Majeſty deſires His Parliament to add to their former 'undertakings for that War; which His Majeſty will not only well accept; but 'if their pay be found too great a burthen to His good Subjects, His Majeſty 'will be willing (by the Advice of His Parliament) to ſell, or pawn any of his 'Parks, Lands or Houſes toward the Supplies of the Service of *Ireland*: with the 'Addition of theſe Levies to the former of *Engliſh* and *Scots* agreed upon in Par- 'liament, He hopes ſo to appear in this Action, that (by the aſſiſtance of Al- 'mighty God) in a ſhort time that Kingdom may be wholly reduced and reſtored 'to peace, and ſome meaſure of happineſs, whereby he may chearfully return, 'to be welcomed home with the Affections and Bleſſings of all his good *Engliſh* 'people.

'Toward this good Work, as His Majeſty hath lately made diſpatches unto '*Scotland*, to quicken the Levies there for *Ulſter*; ſo he heartly wiſhes, that his 'Parliament here would give all poſſible expedition to thoſe which they have re-

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'ſolved for *Munſter* and *Conaught*: and hopes the encouragement which the Adventurers (of whoſe intereſt His Majeſty will be always very careful) will here-'by receive (as likewiſe by the lately ſigning of a Commiſſion for the Affairs of 'Ireland, to ſuch perſons as were recommended to him by both Houſes of Parliament) will raiſe full Sums of Money for the doing thereof.

'His Majeſty hath been likewiſe pleaſed (out of his earneſt deſire to remove all 'occaſions, which do unhappily multiply miſunderſtandings between him and 'his Parliament) to prepare a Bill to be offered to them by his Attorny con-'cerning the Militia, whereby he hopes the Peace and Safety of this Kingdom 'may be fully ſecured, to the general ſatisfaction of all Men, without violation of 'His Majeſty's juſt Rights, or prejudice to the Liberty of the Subject: If this 'ſhall be thankfully received, he is glad of it; if refuſed, he calls God, and all the 'World to judge, on whoſe part the default is. One thing His Majeſty requires '(if this Bill be approved of) that if any Corporation ſhall make their lawful 'Rights appear, they may be reſerved unto them.

'Before His Majeſty ſhall part from *England*, he will take all due care to in-'truſt ſuch Perſons with ſuch Authority in his abſence, as he ſhall find to be 'requiſite for the peace and ſafety of this Kingdom, and the happy Progreſs of 'this Parliament.

The Petition of the Lords and Commons, preſented to His Majeſty by the Earl of *Stamford*, Mr. *Chancellor* of the *Exchequer*, and Mr *Hungerford* Eſquire, *April* 28. 1642.

May it pleaſe Your Majeſty,

The two Houſes Petition the King not to go into *Ireland*, *April* the 28th. 1642.

YOUR *Majeſty's moſt Loyal and Faithful Subjects, the Lords and Commons in Parliament have duly conſidered the Meſſage received from your Majeſty concerning your* purpoſe of going into Ireland *in your own Perſon, to proſecute the War there with the Bodies of your* Engliſh *Subjects, levied, tranſported and maintained at their Charge, which you are pleaſed to propound to us, not as a matter wherein your Majeſty deſires the advice of your Parliament; but as already firmly reſolved on, and forthwith to be put in execution, by granting out Commiſſions for the levying of two thouſand Foot, and two hundred Horſe for a Guard for your Perſon, when you ſhall come into that Kingdom: wherein we cannot chooſe but, with all reverence and humility to your Majeſty obſerve, that you have declined your great Council, the Parliament, and varied from the uſual courſe of your Royal Predeceſſors; that a buſineſs of ſo great Importance, concerning the Peace and Safety of all your Subjects, and wherein they have a ſpecial intereſt by your Majeſty's promiſe, and by thoſe great Sums which they have diſburſed, and for which they ſtand engaged, ſhould be concluded and undertaken without their advice: whereupon we hold it our duty to declare, that if at this time your Majeſty ſhall go into* Ireland, *you will very much endanger the Safety of your Royal Perſon and Kingdoms, and of all other States, profeſſing the Proteſtant Religion in Chriſtendom, and make way to the execution of that cruel and bloody deſign of the Papiſts every where to root out and deſtroy the Reformed Religion, as the* Iriſh *Papiſts have in a great part already effected in that Kingdom, and in all likelihood would quickly be attempted in other places, if the Conſideration of the Strength and Union of the two Nations of* England *and* Scotland *did not much hinder and diſcourage the execution of any ſuch deſign. And that we may manifeſt to your Majeſty the Danger and Miſery, which ſuch a journey and enterprize would produce, we preſent to your Majeſty the Reaſons of this our humble Opinion and Advice.*

1. *Your Royal Perſon will be ſubject, not only to the caſualty of War, but to the ſecret Practices and Conſpiracies; eſpecially your Majeſty continuing your Profeſſion to maintain the Proteſtant Religion in that Kingdom, which the Papiſts are generally bound by their Vow to extirpate.*

2. *It will exceedingly encourage the Rebels, who do generally profeſs and declare, that your Majeſty doth countenance their Proceedings, and that this Inſurrection was undertaken by the Warrant of your Commiſſion, and it will make good their expectation of great advantage by your Majeſty's preſence at this time of ſo much diſtraction in this Kingdom, whereby they may hope we ſhall be diſabled to ſupply the War there; eſpecially there appearing leſs neceſſity of your Majeſty's going thither at this time, by reaſon of the manifold Succeſſes, which God hath given againſt them.*

3. *It will much hinder and impair the means whereby this War is to be ſupported, and*

and increaſe the Charge of it, and in both theſe reſpects, make it more inſupportable to your Subjects: And this we can confidently affirm, becauſe many of the Adventurers, who have already ſubſcribed, do, upon the knowledge of your Majeſty's Intention, declare their Reſolution, not to pay in their Money; and others very willing to have ſubſcribe, do now profeſs the contrary.

4. *Your Majeſty's abſence muſt neceſſarily very much interrupt the Proceedings of Parliament, and deprive your Subjects of the benefit of thoſe farther Acts of Grace and Juſtice, which we ſhall humbly expect from your Majeſty for the eſtabliſhing of a perfect Union, and mutual confidence betwixt your Majeſty and your People, and procuring and confirming the Proſperity and Happineſs of both.*

5. *It will exceedingly increaſe the Jealouſies and Fears of your People, and render their doubts more probable of ſome force intended by ſome evil Counſels near you Majeſty, in oppoſition of the Parliament and favour of the malignant Party of this Kingdom.*

6. *It will bereave your Parliament of that advantage, whereby they were induced to undertake this War, upon your Majeſty's promiſe, that it ſhould be managed by their Advice; which cannot be done, if your Majeſty contrary to their Counſels, ſhall undertake to order and govern in it your own Perſon.*

Upon which, and divers other reaſons, we have reſolved by the full and concurring agreement of both Houſes, that we cannot with diſcharge of our Duty, conſent to any Levies, or raiſing of Soldiers to be made by your Majeſty for this your intended expedition into Ireland, *or to the payment of any Army or Soldiers there, but ſuch as ſhall be employed and governed according to our advice and direction; and that if ſuch Levies ſhall be made by any Commiſſion of your Majeſty (not agreed to by both Houſes of Parliament) we ſhall be forced to interpret the ſame to be raiſed to the terror of your People, and diſturbance of the publick Peace, and hold our ſelves bound by the Laws of the Kingdom, to apply the Authority of Parliament to ſuppreſs the ſame.*

And we do farther moſt humbly declare, That if your Majeſty ſhall by ill Counſel be perſwaded to go contrary to this Advice of your Parliament (which we hope your Majeſty will not) we do not in that caſe hold our ſelves bound to ſubmit to any Commiſſioners which your Majeſty ſhall chooſe; but do reſolve to preſerve and govern the Kingdom by the Council and Advice of Parliament for your Majeſty and your Poſterity, according to our Allegiance, and the Law of the Land.

Wherefore we do moſt humbly pray, and adviſe your Majeſty to deſiſt from your intended paſſage into Ireland, *and from all preparation of Men and Arms, tending thereunto, and to leave the management of that War to your Parliament, according to your Majeſty's promiſe made unto us, and your Royal Commiſſion, granted under your great Seal of* England, *by Adviſe of both Houſes, in proſecution whereof, by God's bleſſing, we have already made a proſperous entrance by many defeats of the Rebels, whereby they are much weakned and diſheartned, and have no probable means of ſubſiſtence, if our Proceedings ſhall not be interrupted by your Majeſty's Journy, but that we may hope, upon good Grounds, that within a ſhort time, without hazard of your Majeſty's Perſon, and ſo much dangerous confuſion to your Kingdoms (which muſt needs enſue) if you ſhould proceed in this Reſolution, we ſhall be enabled fully to vindicate your Majeſty's Right and Authority in that Kingdom, and puniſh thoſe horrible, outrageous cruelties, which have been committed, in the murthering and ſpoiling ſo many of your Subjects; and bring that Realm to ſuch a condition, as may be much for the advantage of your Majeſty and this Crown, the honour of your Government and contentment of your People, for the better and more ſpeedy effecting whereof, we do again renew our humble Deſires of your return to your Parliament, and that you will pleaſe to reject all Counſels or Apprehenſions, which may any way derogate from that faithfulneſs and Allegiance, which in truth and ſincerity we have always born and profeſſed to your Majeſty, and ſhall ever make good to the uttermoſt with our Lives and Fortunes.*

His Majeſty's Anſwer to the Petition of the Lords and Commons to diſſwade from going into Ireland.

King's Reply touching His going to *Ireland.*

'WE are ſo troubled and aſtoniſhed to find the unexpected Reception, and 'miſunderſtanding of our Meſſage of the 8*th.* of *April*, concerning our '*Iriſh* Journey, that being ſo much diſappointed of the approbation and thanks 'we looked for to that Declaration; We have great cauſe to doubt whether it 'be in our power to ſay or do any thing, which ſhall not fall within interpre-'tation; but as we have in that Meſſage called God to witneſs the Sincerity of 'the Profeſſion of our only ends for the undertaking that Journey, ſo we muſt

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'appeal to all our good Subjects, and the whole World, whether the Reaſons 'alleadged againſt that Journey be of weight to ſatisfie our underſtanding, or the 'Counſel preſented to diſſwade us from it, be full of that duty as is like to pre-'vail over our affections.

'For our reſolving of ſo great a Buſineſs without the Advice of our Parliament, 'we muſt remember you, how often by our Meſſages, we made the ſame offer, 'if you would adviſe us thereunto, to which you never gave us the leaſt Anſwer, 'but in your late Declaration told us, that you were not to be ſatisfied with 'words: So that we had reaſon to conceive you rather avoided (out of regard 'to our Perſon) to give us Counſel to run that hazard, then that you diſap-'proved the Inclination; and what greater comfort or ſecurity, can the Pro-'teſtants of Chriſtendom receive then by ſeeing a Proteſtant King venture and 'engage his Perſon for the defence of that Profeſſion, and the ſuppreſſion of 'Popery, to which we ſolemnly proteſted in that Meſſage never to grant a Tol-'leration upon what pretence ſoever, or an Abolition of any of the Laws, 'there in force againſt the Profeſſors of it. And when we conſider the great 'calamities, and unheard of cruelties, our poor Proteſtant Subjects in that King-'dom have undergone for the ſpace of near, or full ſix Months, the Growth and 'Increaſe of the ſtrength of thoſe barbarous Rebels, and the evident probability 'of Foreign Supplies, (if they are not ſpeedily ſuppreſſed) the very ſlow Suc-'cours hitherto ſent them from hence; that the Officers of ſeveral Regiments, 'who have a long time been allowed entertainment from you for that ſervice, 'have not raiſed any ſupply or Succour for that Kingdom; that many Troops 'of Horſe have long lain near *Cheſter* untranſported, that the Lord Lieutenant 'of *Ireland*, on whom we relied principally for the Conduct and managing 'of Affairs there, is ſtill in this Kingdom, notwithſtanding our earneſtneſs ex-'preſſed that he ſhould repair to his command; and when we conſider the 'many and great ſcandals raiſed upon our ſelf by report of the Rebels, and not 'ſufficiently diſcountenanced here, notwithſtanding ſo many profeſſions of ours, 'and had ſeen a Book lately printed by the Order of the Houſe of Commons, 'intituled, *A Remonſtrance of divers remarkable Paſſages concerning the Church and 'Kingdom of* Ireland; wherein ſome Examinations are ſet down, which (how 'improbable or impoſſible ſoever) may make an impreſſion in the minds of 'many of our weak Subjects. And laſtly, when we duely weigh the diſhonour 'which will perpetually lye upon this Kingdom, if full and ſpeedy relief be not 'diſpatched thither, we could nor cannot think of a better way to diſcharge our 'duty to Almighty God for the Defence of the true Proteſtant Profeſſion, or to 'manifeſt our affection to our Three Kingdoms for their preſervation, then by 'engaging our Perſon in this Expedition, as many of our Royal Progenitors 'have done, even in foreign Parts, upon Cauſes of leſs Importance and Piety, 'with great honour to themſelves, and advantage to this Kingdom; and there-'fore we expected at leaſt, thanks for ſuch our Inclination.

'For the danger to our Perſon; We conceive it neceſſary and worthy of a 'King to adventure his life to preſerve his Kingdom, neither can it be imagined, 'that we will ſit ſtill and ſuffer our Kingdoms to be loſt, and our good Proteſtant 'Subjects to be maſſacred without expoſing our own Perſon to the utmoſt hazard 'for their relief and preſervation; our life, when it was moſt pleaſant, being no-'thing ſo precious to us, as it is, and ſhall be to govern and preſerve our People 'with Honour and Juſtice.

'For any encouragement to the Rebels, becauſe of the Reports they raiſed; 'we cannot conceive that the Rebels are capable of greater terror then by the 'preſence of their lawful King in the Head of an Army to chaſtiſe them: Be-'ſides, it will be an unſpeakable advantage to them, if any reports of theirs 'could hinder us from doing any thing which were fit for us to do, if ſuch Re-'ports were not raiſed; this would quickly teach them in this jealous Age, to 'prevent by ſuch Reports any other Perſons coming againſt them, whom they 'had no mind ſhould be imployed.

'We marvel that the Adventurers, whoſe advantage was a principal Motive '(next the reaſon before-mentioned) to us, ſhould ſo much miſtake our purpoſe, 'whoſe intereſt we conceive muſt be much improved by the Expedition, we 'hope (by God's Bleſſing) to uſe in this Service: This being the moſt probable 'way for the ſpeedy Conqueſt of the Rebels; their Lands are ſufficiently ſecured 'by Act of Parliament.

'We

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'We think not our ſelf kindly uſed, that the Addition of ſo few Men to 'your Leavies (for a guard to our Perſon in *Ireland*) ſhould be thought fit for 'your refuſal: And much more, that having uſed ſo many cautions in that Meſ-'ſage, both in the ſmallneſs of the Number; In our having raiſed none untill 'your Anſwer; In their being to be raiſed only near their place of Shipping; In 'their being there to be Armed, and that, not till they were ready to be Ship-'ped; In the Proviſion, by the Oaths, that none of them ſhould be Papiſts '(all which appears ſufficient to deſtroy all grounds of Jealouſie of any force 'intended by them in oppoſition to the Parliament, or favour to any malignant 'Party) any ſuſpition ſhould notwithſtanding be grounded upon it.

'Neither can it be underſtood; that when we recommended the managing 'of that War to you, that we intended to exclude our ſelf, or not to be con-'cerned in your Councils, that if we found any expedient (which in our Con-'ſcience or Underſtanding we thought neceſſary for that great Work,) We 'might not put it in practice. We look upon you as our great Council, 'whoſe Advice we always have and will (with great regard and delibera-'tion) weigh and conſider: But look upon our ſelf, as neither deprived 'of our underſtanding, or deveſted of any right we had, if there were no 'Parliament ſitting, we called you together by our own Writ and Autho-'rity (without which you could not have met) to give us faithful Counſel 'about our great Affairs: But we reſigned not up our own Intereſt and Free-'dom. We never ſubjected our ſelf to your abſolute determination. We have 'always weighed your Counſels, as proceeding from a Body entruſted by us: 'And when we have diſſented from you, we have returned you the Reaſons, 'which have prevailed with our Conſcience and Underſtanding, with that 'Candor, as a Prince ſhould uſe towards his Subjects, and that affection, which 'a Father can expreſs to his Children what application hath been uſed to rectifie 'our Underſtanding by Reaſons, or what Motives have been given to perſwade 'our Affections, we leave all the World to judge: And then we muſt tell you, 'however a major part may bind you in matter of opinion, we hold our ſelf (as 'we are by the Law, and ſure the Conſtitution of this Kingdom hath always held 'the ſame) as free to diſſent (till our reaſon be convinced for the general good) 'as if you delivered no opinion. For our journey it ſelf, the Circumſtances of 'your Petition are ſuch, as we know not well what Anſwer to return, or whe-'ther we were beſt to give any: That part which pretends to carry reaſon with it, 'doth no way ſatisfie us; The other, which is rather reprehenſion and menace, 'then advice, cannot ſtagger us. Our Anſwer therefore is, That we ſhall be very 'glad to find the work of *Ireland* ſo eaſie as you ſeem to think it; which did not 'ſo appear by any thing known to us, when we ſent our Meſſage. And though 'we will never refuſe, or be unwilling to venture our Perſon for the good and 'ſafety of our People, we are not ſo weary of our life, as to hazard it impertinent-'ly. And therefore ſince you ſeem to have received Advertiſements of ſome 'late and great Succeſſes in that Kingdom, we will ſtay ſome time to ſee the 'event of theſe, and not purſue this Reſolution, till we have given you a ſecond 'notice. But if we find the miſerable Condition of our poor Subjects of that 'Kingdom be not ſpeedily relieved, we will (with God's aſſiſtance) viſit them 'with Succors, as our particular Credit and Intereſt can ſupply us with, if you 'refuſe to joyn with us. And we doubt not but the Leavies we ſhall make (in 'which we will obſerve punctually the former, and all other cautions, as may 'beſt prevent all fears and jealouſies, and to uſe no power but is what Legal,) will be 'ſo much to the ſatisfaction of our Subjects, as no perſon will dare preſume to reſiſt 'our commands, and if they ſhould, at their peril be it. In the mean time we hope 'our forwardneſs ſo remarkable to that Service; ſhall be notorious to all the World, 'and that all ſcandals laid on us in that buſineſs ſhall be clearly wiped away.

'We were ſo careful that our Journey into *Ireland* ſhould not interrupt the Pro-'ceedings of Parliament, nor deprive our Subjects of any Acts of Juſtice or further 'Acts of Grace, for the real benefit of our People, that we made a free offer of 'leaving ſuch power behind, as ſhould not only be neceſſary for the Peace and 'Safety of the Kingdom, but fully provide for the happy Progreſs of the Par-'liament, and therefore we cannot but wonder, ſince ſuch power hath been al-'ways left here by Commiſſion for the Government of this Kingdom, when our 'Progenitors have been out of the ſame, during the ſitting of Parliaments: And 'ſince your ſelves deſired that ſuch a Power might be left here by us at our

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'laſt going into *Scotland*, what Law of the Land have you now found to diſpence 'with you, from ſubmitting to ſuch Authority, legally derived from Us, in our 'abſence; and to enable you to Govern this Kingdom by your own meer Au- 'thority.

'For your return towards *London*, We have given you ſo full an Anſwer in our late 'Declaration, and in Anſwer to your Petition preſented to Us at *York* the 20*th* of 'March laſt, that We know not what to add, if you will not provide for our ſecu- 'rity with you, nor agree to remove to another place, where there may not be 'the ſame Danger to us. We expected that (ſince we have been ſo particular 'in the Cauſes and Grounds of our Fears) you ſhould have ſent us word, that 'you had publiſhed ſuch Declarations againſt future Tumults and unlawful Aſ- 'ſemblies, and taken ſuch Courſes for the Suppreſſing of Seditious Sermons and 'Pamphlets, that our Fears of that kind might be laid aſide, before you ſhould 'preſs our Return.

'To Conclude, We could wiſh that you would (with the ſame ſtrictneſs and 'ſeverity) weigh and examin your Meſſages and Expreſſions to Us, as you do 'thoſe you receive from Us; for we are very confident, that if you examin Our 'Rights and Priviledges by what our Predeceſſors have enjoyed, and your own 'Addreſſes, by the uſual Courſes of your Anceſtors; you will find many expreſ- 'ſions in this Petition warranted only by your own Authority, which indeed, we 'forbear to take notice of, or to give Anſwer to, leſt we ſhould be tempted (in 'a Juſt Indignation) to expreſs a greater paſſion, than we are yet willing to put 'on. God in his good time (we hope) will ſo inform the hearts of our Subjects, 'that we ſhall recover from the miſchief and danger of this diſtemper, on whoſe 'good pleaſure we will wait with all patience and humility.

A Letter ſent to his Majeſty from the Lords Juſtices, and Council in *Ireland*, *April* 23. 1642.

Concerning his Majeſties Reſolution to go into *Ireland*.

Letter of the Juſtices in *Ireland* touching his Majeſties going into that Kingdom, *April* 23.

May it pleaſe Your Moſt Excellent Majeſty,

BY your Majeſties Gracious Letters of the 13th *of this Month, and a Copy of your Majeſties Meſſage ſent lately to your Parliament in your Kingdom of* England (*both which came to the hands of us your Juſtices, on the* 18th *of this Month*) *we obſerve that your Majeſty, out of a juſt ſenſe of the great miſeries and afflictions of your diſtreſſed Subjects in this your Kingdom of* Ireland, *occaſioned by the inhumane cruelties of the Rebels here, and out of your tender and gracious care of your good Subjects on this ſide, hath firmly reſolved (by the aſſiſtance of Almighty God) with all poſſible ſpeed to make a Journey hither, in your own Royal Perſon, for the full and final ſuppreſſing of this Rebellion. Thoſe Letters and Meſſage, we your Majeſties Juſtices then immediately communicated with the Council, as we always do all matters of Importance concerning your Sacred Majeſties Service; and cauſed the Copy ſent us of your Meſſage to your Parliament in* England *to be printed here, ſo to make known here your Majeſties gracious purpoſe, as you Commanded us.*

And we all jointly do humbly beſeech your Majeſty to give us leave to caſt our ſelves at your Majeſties feet, and (with the Duty and Loyalty of faithful Subjects) moſt humbly and thankfully to acknowledge to your Sacred Majeſty, as well your continued Grace and Goodneſs upon all occaſions expreſſed to this your Kingdom, and all your Subjects therein, and amongſt them, even to thoſe Wretched Rebels themſelves heretofore, when they ſtood in the Condition of good Subjects, though they want the gratitude to be ſenſible of it, as particularly, this high addition of your Majeſties gracious Favour to us, in not ſparing the pains, or hazard even of your own Royal Perſon for the ſuppreſſing of this hideous Rebellion, and puniſhment of theſe ungrateful and treacherous Rebels, who are thus unnaturally riſen in Arms againſt your Majeſty, expreſſed ſuch unparallelled hatred and deteſtation againſt your Government and Nation, ſpilt (unprovoked) the blood of ſo many thouſands of your faithful and innocent Subjects, deſtroyed the Eſtates of all Britiſh and Proteſtants in the Kingdom; and (which is above all) as appears by ſeveral examinations, and many other concurring Circumſtances here, notwithſtanding all their falſe and feigned pretences to diſguiſe their Wicked and Traiterous Purpoſes, aimed finally at no leſs (which we tremble to write, and cannot think without horror and aſtoniſhment at their impiety) than even to deprive you of your Royal Crown and Dignity, and to place over them ſome of themſelves,

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ſelves, or ſome Forreign Prince, and ſo altogether to ſhake off the Engliſh Government. Wherefore we cannot but rejoyce (even in the midſt of our preſent Calamities) to hear your Majeſties Princely purpoſe, to take juſt vengeance on them, for vindicating your Honour, revenging the Blood and Deſtruction of ſo many of your faithful Subjects, and ſecuring the future ſafety of your Crown and Kingdom.

And as we do thus joyfully apprehend the happineſs we are to enjoy by thoſe your Majeſties Royal purpoſes, ſo we hold it agreeable with the Duty of us your Loyal Subjects and Faithful Servants, whom you have advanced to the Honour to ſerve you as Counſellors to you in this your Kingdom, humbly to preſent to your Majeſty, upon this occaſion, the preſent Eſtate of your affairs here, and the Condition wherein this Kingdom ſtands, which we have done by our Letters now ſent to Maſter Secretary Nicholas, *to be made known to your Majeſty, ſo that your Majeſty underſtanding them, may on that ſide provide for ſupplying our defects here, and rendring ſafety to your own Royal Perſon, againſt theſe bloody Rebels, as your Majeſty in your Excellent Judgement ſhall think fit, whereby you may (to the Comfort of your good Subjects, and Terror of your Enemies) appear in this Kingdom in that Majeſty which is ſutable to the Greatneſs and Wiſdom of ſo mighty a King as God hath appointed you, whom we pray God to bleſs and proſper with length of days, and a happy and bleſſed Government over this, and all other your Kingdoms and Dominions, to the Glory of God, the Honour of your Majeſty, and the Joy and Comfort of all your Subjects, and amongſt them of us,*

From your Majeſties Caſtle of *Dublin, April* 23. 1642.

Your Majeſties Moſt Loyal and Moſt Faithful Subjects and Servants.

This Letter was ſubſcribed by Sir *William Parſons*, Sir *Jo. Borlaſe*, Juſtices; Earl of *Ormond Oſſory*, Earl of *Roſcomon*, Lord *Digby*, Lord *Charles Lambert*, Sir *Thomas* St. *John*, *Rotheram Temple*, Sir *Francis Willoughby*, Sir *Adam Loftus*, Sir *James Ware*, Sir *George Wentworth*, Sir *Robert Meredith*.

A Meſſage from a Committee of both Houſes to the *Spaniſh* Ambaſſador.

THE Lords and Commons have commanded us to intimate to the *Spaniſh* Ambaſſador the Advertiſement that they have received of certain Ships lying in *Dunkirk*, laden with Ammunition, ready to ſail, intended for the relief of the Rebels in *Ireland*: This they hold contrary to the Articles agreed upon in the Treaty of Peace between the two Crowns. And therefore the Ambaſſador is to be moved from both Houſes to ſend ſpeedily to *Dunkirk*, and to all other his Maſters Dominions, and to the King his Maſter to make ſtay of thoſe, and all ſuch Ships as may carry any ſupply of Men, Victuals, Mony, or any other Aid to his Majeſties Subjects, that at this preſent are in Rebellion in *Ireland*, which otherwiſe will be underſtood to be a Breach of the Treaties between the Crowns of *England* and *Spain*, and ſo reſented by the Parliament.

The *Spaniſh* Ambaſſadors Anſwer.

THE *Lord Ambaſſador of* Spain, Don Allanſo de Cardenas *having underſtood what the Lord* Fielding *of the Lords Houſe, and* Sir Thomas Barrington, *Barronet, and Sir* John Holland, *Baronet, of the Houſe of Commons, all three Commiſſioners for the Parliament, have ſaid in behalf of both Houſes, concerning the Advertiſement given them, that in the Haven of* Dunkerk *there were certain Ships loaden with Ammunition, ready to take ſail, intended for the relief of the Rebels of* Ireland, *which they hold contrary to the Articles of Peace between the two Crowns. And that they required he ſhould ſend to* Dunkerk, *and all other his Majeſties Dominions, and that he ſhould write unto the King his Maſter, to make ſtay of thoſe, and all ſuch Ships, as may carry ſupply of Powder, Victuals, Mony, or any other aid to his Majeſties Subjects, that at this preſent are in Rebellion in* Ireland; *becauſe otherwiſe it would be underſtood to be a breach of the Treaties between the two Crowns, and ſo reſented by the Parliament. The ſaid Ambaſſador of* Spain *Anſwered, That beſides the underſtanding, which he hath of the King his Maſters mind and intention to conſerve the friendſhip, which he profeſſeth with his Majeſty of Great* Britain, *he hath expreſs and moſt particular notice, that the Ships which are now in* Dunkirk *Haven, laded with Soldiers and Ammunition, and ready to ſail, neither are for* Ireland, *nor were they provided for any ſuch purpoſe, and that this notice was given him by* Don Franciſco de Melo, *Earl of* Aſſumar, *Governor and Captain General of the States of* Flanders, *whom the Reſident of his Majeſty of Great* Britain, *that aſſiſts in* Bruſſels, *aſſured that he is fully ſatisfied of their not going for* Ireland, *as is alſo his King, who ſignified ſo much unto him in a Letter, in which he likewiſe commanded him to thank the ſaid* Don Franciſco de

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de Melo, *for denying leave, which certain* Iriſh, *ſerving in thoſe States, had asked to return to their Country, which he denied; to avoid all ſuſpition, notwithſtanding their end for asking it, was unknown. The ſame aſſurance did the ſame Ambaſſador give unto the Commiſſaries aforeſaid of the Parliament, concerning the mentioned Ships in* Dunkirk *laden with Ammunition and Soldiers, that they are not for* Ireland: *And he proffered to write to* Dunkirk, *and all other parts of* Flanders *and Dominions of the King his Maſter; and particularly to his Catholick Majeſty, to the end, That the obſervance of the Articles of Peace, which hitherto have been ſo religiouſly obſerved of the King his Maſters part, and his Subjects, may be continued, and that new and ſtrict Orders be given, That no Subjects of his Catholick Majeſty, ſhall dare violate them, againſt ſending any kind of aids to foſter the Inſurrection in* Ireland, *under pain of the puniſhment impoſed upon the Tranſgreſſors. And the ſaid Ambaſſador to manifeſt the ſincerity of his heart proffered to ſolicit it with the readieſt and moſt forcible means that lay in his power, hoping (as in reaſon he ſhould,) that his Majeſty of Great* Britain, *and the Parliament, will for their part punctually obſerve the ſame in the aforeſaid conformity towards the Rebels of the King his Maſter, not permitting any kinds of ſuccour or aſſiſtance in whatſoever quality to be offered them, from theſe Kingdoms. Renewing for this effect all requiſite Orders unto the Officers and Ports of the ſaid Kingdoms, chaſtiſing the Tranſgreſſors of what is ſettled in the Peace, with the puniſhments contained in the Articles of it; that ſo by reciprocal obſervance, the good correſpondency, which is at this preſent betwixt theſe two Crowns of* Spain *aad* England, *may be aſſuredly maintained.*

A Special Order of the Houſe of Commons concerning the Free Offer of the County of Buckingham, *towards Relief of* Ireland.

Die Sabbati, 9. April 1642.

Order touching the offer of the County of *Bucks*, toward the relief of *Ireland, April 9.*

WHereas the Gentlemen of the County of *Buckingham* have offered unto this Houſe freely, to lend ſix thouſand pounds upon the Act of Contribution for the Affairs of *Ireland*, and to pay in the ſame before the firſt day of *May* next enſuing. This Houſe doth take in very good part that offer, and accept the ſame, and doth hereby Order that the ſaid ſix thouſand pounds ſhall be repaid out of the firſt monies that ſhall be raiſed in that County upon the Bill of four hundred thouſand pounds, and Mr. *Hampden*, Mr. *Goodwin*, Mr. *Winwood* and Mr. *Whitlock*, are appointed to return thanks to the County of *Buckingham* from this Houſe for their kind offer and acceptable ſervice.

And it is further Ordered and declared by this Houſe, that if any other County, or Perſons ſhall do the like, the ſame will be taken as a very good ſervice to the Common-wealth, and ſuch as will be well accepted by this Houſe; and the monys which they ſhall lend, ſhall be repaid unto them with Intereſt, if they deſire it, out of the monys that ſhall be raiſed in thoſe Counties, where ſuch perſons inhabit, out of the Bill of four hundred thouſand pounds.

And it is further Ordered, that this Order ſhall be forthwith publiſhed.

H. Elſign, *Cler. Parlament. Com.*

April 9. 1642.

The Names of ſuch Members *of the Commons Houſe of Parliament that* Subſcribed *in purſuance of the Act of Parliament, for the ſpeedy Reducing of* the Rebels, *and the future Peace and Safety of that Kingdom, together with the Sums by them ſeverally under-written.*

MR. *Walter Long* 1200*l.* Sir *Robert Pye* 1000. 8 *Martii* 1641. Mr. *Samuel Vaſal* 1200. Sir *Samuel Rolls* of *Devon* 1000. *William* Lord *Munſon* 2400. Sir *John Harriſon* 1200. 19 *Martii.* Sir *William Brereton* 1000. 21 *Martii.* Sir *Edward Aiſhcough* 600. Mr. *John* and Mr. *Edward Aſh* 1200. 24 *Martii.* Sir *Gilbert Pickering* 600. 25 *Martii* 1642. Sir *John Clotworthy* in mony 500. Sir *John Clotworthy* for his entertainment as Collonel in the *Iriſh* wars 500. Mr. *Henry Martin* 1200. 26 *Martii.* Mr. *Arthur Goodwin* 1800. Sir *Arthur Haſlerig* of *Leiceſterſhire* 1200. Mr. *Robert Reynolds* 1200. Sir *Robert Parkhurſt* 1000. Sir *Thomas Dacres* 600. Sir *John Potts* 600. Sir *Arthur Ingram* 1000. Dr. *Thomas Eden* 600. Mr. *Oliver Cromwel* 500. Mr. *Nathaniel Fines* 600. Mr. *John Pym* 600. Sir *Walter Earl* 600. Mr. *Cornelius Holland* 600. Sir *John Northcort* 450. Mr. *Roger Mathew* 300. Sir *Nathaniel Bernardiſton* 600. Sir *William Maſham* 600. Sir *Martin Lomley* for *Martin*

tin Lomley his Son Esq; 1200. Mr. *Thomas Hoyle* of *York* 600. Mr. *Anthony Bedding feild*, and Mr. *William Cage* 700. Sir *William Allenson* of *York* 600. Mr. *William Hevingham* 600. Mr. *Herbert Morley* 600. Sir *William Morley* 1200. Sir *John Culpepper* 600. Sir *Edward Partherith* 600. *Richard Shuttleworth* Esq; 600. Mr. *John More*, and Mr. *William Thomas* 600. Mr. *John Liste* 600. Mr. *John Blackston* 600. Sir *Gilbert Gerrard* 2000. Mr. *Bulstrod Whitlock* 600. Sir *Edward Momford*, and Mr. *Richard Harmon* 600. Mr. *John Trenchard* 600. Mr. *John Gurdon* 1000. Mr. *John Barker* 1000. Mr. *William Harrison* 600. 29 *Martii.* Mr. *John Wild* Serjeant at Law, and Mr. *Thomas Lane* 1000. *Nathaniel Hallows* of *Derby* for himself and others 1400. *John Frankling* 600. Mr. *George Buller* of the County of *Cornwall* 600. Sir *Henry Mildmay* 600. 1 *Aprill.* Mr. *Oliver* St. *John* 600. Sir *John Wray* 600. Sir *Thomas Barrington* 1200. Mr. *Robert Goodwyn*, and Mr. *John Goodwyn* 600. 2 *Aprill.* Mr. *Denzil Holles* 1000. Mr. *John Crew* 600. Sir *John Peyton* 600. 4 *Aprill.* Sir *William Playters* 600. Sir *William Strickland* 600. Sir *Thomas Savin* 1000. *Alexander* and Esquire *Bence* 600. Mr. *John Rolles* of *Devon* 450. Mr. *John Hampden* 1000. Mr *William Jesson* 300. Sir *Edward Baynton* 600. *Thomas* Lord *Wenman*, and Mr. *Richard Winwood* 1200. 5 *April.* Sir *William Drake* 600. Mr. *William Spurston* 600. Sir *John Evelyn* of *Godstone*, in the County of *Surrey*, for himself and others 1500. 7 *Aprill.* Mr. *Miles Corbet* 200. 9 *April.* *An.* 1642.

The rest of the Members subscribed at several times afterwards.

But the most eminent Occurrence that hapned in this month of *April* 1642. being Sir *Jo. Hotham's* denying his Majesty entrance into *Hull*, I thought fit to cast that, and the matter relating thereunto, into a Chapter by it self as followeth.

CHAP. V.

Of Sir Jo. Hotham's *denying the Kings entrance into* Hull, *and the several Papers relating thereunto.*

THE Town of *Hull* was at first a poor Country Hamlet, consisting of a few slating Cottages, called by the name of *Wike*; the Inhabitants lived by *fishing*, it being commodiously situated hard by two Rivers, *Humber* and *Hull*, for that kind of Trade. The Original and Scituation of the Town of *Hull.*

In process of time the Inhabitants, as they advanced their Estates, so they bettered their Dwellings, and reduced it into the form of a Town, and by degrees converting their Fisher Boats into Merchants Ships, it became a Port-Town, and a place of Merchandize, by which new Trade, it increased in Riches and Pomp.

After this it was endowed with many priviledges by several Kings, and in further favour it was called *Kingston upon Hull*, and made a Corporation, with a County annexed to it, at the first governed by *Bailiffs*, afterwards, and still by a *Mayor* and twelve Aldermen; at length they obtained favour of the King, that the Town might be Walled and Trenched about, which was done at their own Costs; they made them four Ports or Gates, *viz. Husell* Gate, *Mitton* Gate, *Beverly* Gate and *North* Gate.

After this, King *Henry* the Eight, being informed of the natural strength of the Town, by reason of the commodious situation thereof in an Angle, having *Humber* on the *Southside*, and *Hull* on the *East*, in his Progress into these Northern Parts, turned aside to see the place, where (for the better security of the Country from Forraign Invasion) he erected two Block-houses on the other side of the River *Hull*, one over against the *South* end of the Town, hard by the mouth of *Hull*, which commands the River of *Humber*, the other over against the *North* end, which secures from the Land; and in the mid-way betwixt these he founded a very strong Castle, which commands both the River and the Land. They are so seated, that they can clear one another with their Ordnance from an Enemies assault, being all well fortified with Guns; from each of these to the other he reared a Wall eight yards high, and five yards thick, of Black Stone strongly cemented, the Walls of the Block-houses and Castle being of the same matter and thickness. Fortified by K. *Hen.* 8.

The King took such pleasure in the Town and Country adjoyning, which was convenient for his Game, that he was a while resident here, and kept his Court in a large and sumptuous House, called the *Manner*, now the Repository of Arms, or *Magazine* for the Kingdoms use. Moreover,

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Moreover, for the better fortification of the Town, the Inhabitants built a *Fort* at the *South* end, which is very well furniſhed with Iron Guns, and one braſs *Baſiliſco* 17 foot long, her weight 7000 *l.* which at the beginning of the latter Siege was carried to the Walls, which are ſingularly well fortified with Braſs and Iron Guns, both Culverins and Demi-Cannon-Cuts; before the Walls is the *Town-ditch*, both broad and deep, over which lie three *Draw bridges*, *viz.* at *Mi-ton*, *Beverley*, and *North* Gates, and before each Gate is either a *Hornwork*, a *Half-moon*, or a *Battery*, and from one to another round about the Walls to both the Rivers, was made in Sir *John Hotham*'s time, a Breaſt-work for Muſqueteers, with a deep Trench before it, over which lie two Draw-bridges, to wit, at *Beverly* and *North* Gates, the other two Gates are ram'd up with Earth.

But that which adds further to the ſtrength of the Town, are the *Meadows* and Mooriſh Grounds on every ſide of the Town, and *Block-houſes*, which may for the ſpace of two miles be ſo overflown with *Saltwater* by cutting the Banks at the Spring-tides, that an Enemy cannot make any neer approach, (much leſs undermine) but by the Banks of the Rivers, except ſome few Meadows one on the *Weſt* ſide by *Humber* Banks, that lie ſo high, they cannot be drowned, here was therefore a *Fort Royal* made on that quarter, about twenty ſcore from the Walls, to prevent an approach, which after the Lord *Fairfax* came thither was finiſhed and fortified with Ordnance.

How the Magazine came to be at *Hull*.

This Town thus ſituated, was by the State Polititians deemed the fitteſt place in the Northern Parts, for the *Kingdoms Magazine* in the Expedition againſt the *Scots*. There was therefore ſent hither great ſtore of Ammunition, and *Arms* for about thirty thouſand Men both Horſe and Foot, all which were in the managing of Captain *Leg*, and his Aſſigns, and for the future ſecurity thereof, as alſo of the Caſtle, Forts and Block-houſes, here was planted by the Earl of *Strafford* a Garriſon of 1000 Soldiers, under the Command of Sir *Thomas Glemham*, who continued here almoſt a year after the *pacification* betwixt his Majeſty and the *Scots*, until they were diſmiſſed and disbanded by the Parliament; and then Magazine, Caſtle, Block-houſes, and other Forts were committed to the care of the Townſmen, whoſe care in Watching and Warding was anſwerable to their truſt.

King ſends the Earl of *Newcaſtle* to be Governor of *Hull*.

Afterwards it was thought fit to ſecure this Town and the Magazine; whereupon the Earl of *Newcaſtle* was forthwith addreſſed with Letters in his Majeſties name, full of Clemency to the Townſmen, thereby Commanding and Requiring, that the Keys of the Ports, Magazine and Blockhouſes, might be inſtantly delivered to the ſaid Earl, who as it ſeemed, ſuſpecting what the ſequel of that errand might be, deſired to paſs *unknown*, calling himſelf Sir *John Savage*, and at his firſt coming was brought before the Mayor, under that name, till being known by ſome *By-ſtanders* he was forced to own both his Name and his Errand; But the Mayor, Aldermen and Townſmen, perceiving an eſtrangement betwixt the King and his Parliament, and the ground thereof, and knowing the Parliaments Reſolution, to eſtabliſh the Government of that Town in the hands of Sir *John Hotham*, demurred upon the buſineſs a few days, until a Letter came from the Parliament to Command them to receive Mr. *Hotham*; hereupon the Townſmen, reſolved upon a Petition to be ſent to his Majeſty, 'Humbly beſeeching that 'his Majeſty would be pleaſed to agree with his Parliament, concerning that bu-'ſineſs, that ſo without Breach of Fealty, or incurring the diſpleaſure of either, 'they might know in whoſe hands to entruſt the Strength of the Kingdom, to-'gether with their own Lives and Eſtates. At the ſame inſtant was Captain *Legg* alſo come into the Town, and a ſtrong party beſtirred themſelves for the Earl, with great expectation of the King's Royal Favour towards the Town thereby, and much Honour and Credit in the entertainment of ſo Honourable a Perſonage before a private Gentleman. In the mean while the other party were unceſſant in their endeavours for the Choice of the other, according to the Order of Parliament, and took care to inform the Parliament concerning the carriage of the buſineſs; the Houſe of Lords immediately ſent a ſummons for the Earl and Captain *Legg* to attend them at *Weſtminſter*, who departed the Town, and gave over their Claim; the day before came a ſecond Letter from his Majeſty, requiring either to receive the Earl, as Governour, or to keep the Town in their own hands, and the Mayor to be ſole Governour.

The Parliament appoint Sir *John Hotham* Governor.

Earl of *Newcaſtle* ſummoned by the Parliament.

Mr. *Hotham* received into *Hull*.

But the ſame day that the Earl departed, Mr. *Hotham* was freely received into the Town, with three Companies of Train'd Bands, and the Keys of the Ports and the Magazine were ſurrendred into his hands.

With-

Caroli 18.

Within a few weeks, Sir *John Hotham* (ſent down from the Parliament) betook him to his Charge, and diſmiſſed his Son, drawing more Companies of the Trained Bands of *Yorkſhire* into the Garriſon, until they amounted to the number of about 800.

The Breaches between the King and his Parliament growing wider, the two Houſes Petition his Majeſty for leave to remove the Magazine there, to the Tower of *London*, and at the ſame time ſeveral Gentlemen of *Yorkſhire* petition that it may not be removed as followeth.

The Humble Petition of the Lords and Commons to the King, for leave to remove the Magazine of *Hull* to the Tower of *London*; and alſo to take off the Reprieve of the ſix Condemned Prieſts, now in *Newgate*.

Moſt Gracious Soveraign,

Petition to remove the Magazine from *Hull*.

YOur moſt Dutiful and Loyal Subjects, the Lords and Commons in Parliament Aſſembled, finding the Stores of Arms and Ammunition in the Tower of London *much diminiſhed, and that the neceſſity of ſupplies for your Majeſties Kingdom of* Ireland *(for which they have been iſſued from thence) daily increaſeth; and that the occaſion for which the Magazine was placed at* Hull *is now taken away; and conſidering it will be kept here with leſs Charge, and more ſafety, and tranſported hence with much more convenience for the ſervice of the Kingdom of* Ireland.

They therefore humbly Pray, that your Majeſty will be graciouſly pleaſed to give leave, that the ſaid Arms, Cannon and Ammunition, now in the Magazine at Hull, *may be removed to the Tower of* London, *according as ſhall be directed by both your Houſes of Parliament.*

And whereas ſix Prieſts, now in Newgate, are condemned to dye, and by your Majeſty have been Reprieved.

They humbly Pray your Majeſty to be pleaſed, that the ſaid Reprieve may be taken off, and the Prieſts executed according to Law.

His Majeſties Anſwer thereunto.

'WE rather expected (and have done ſo long) that you ſhould have given 'us an account why a Garriſon hath been placed in our Town of *Hull*, 'without our conſent, and Soldiers there againſt Law, and expreſs words of the 'Petition of Right, then to be moved (for the avoiding of a needleſs Charge you 'have put upon your ſelves) to give our conſent for the removal of our Maga'zine and Munition (our own proper goods) upon ſuch general reaſons, as in'deed give no ſatisfaction to our Judgement; And ſince you have made the buſi'neſs of *Hull* your Argument, We would gladly be informed, why our own incli'nation (on the general rumour of the deſigns of Papiſts in the Northern parts) 'was not thought ſufficient ground for Us to put a perſon of Honour, Fortune 'and unblemiſhed reputation, into a Town and Fort of our own, where our own 'Magazine lay; and yet the ſame Rumour be warrant enough for you, to commit 'the ſame Town and Fort (without our conſent) to the Hands of Sir *John Hotham*, 'with a power unagreeable to the Law of the Land, or the Liberty of the Subject; 'And yet of this in point of Right or Priviledge, (for ſure we are not without Privi'ledge too) We have not all this while complained; and confiding that that place '(whatſoever Diſcourſe there is of publick or private Inſtructions to the contrary) 'ſhall be ſpeedily given up, if we ſhall require it, we ſhall be contented to diſpoſe 'our Munition there, (as we have done in other places) for the publick eaſe and 'benefit, as upon particular advice, we ſhall find convenient: Though we can'not think it fit, or conſent that the whole Magazine be removed together, but 'when you ſhall agree upon ſuch proportions as ſhall be held neceſſary for any 'particular ſervice, we ſhall ſign ſuch Warrants as ſhall be agreeable to Wiſdom 'and Reaſon; And if any of them be deſigned for *Ulſter* or *Leinſter*, you know 'well the Conveyance will be more eaſie and convenient from the place 'they now are in; yet we muſt tell you, That if the Fears are ſo great from the 'Papiſts at home or of Foreign Force (as is pretended) it ſeems ſtrange, that 'you make not proviſion of Arms and Munition for defence of this Kingdom, ra'ther than ſeek to carry any more from hence, without ſome courſe taken for 'ſupply, eſpecially if you remember your engagement to our *Scotch*, Subjects, for 'that proportion of Arms which is contained in your Treaty. We ſpeak not

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'this, as not thinking the ſending of Arms to *Ireland* very neceſſary, but only for 'the way of the proviſion: for you know what great quantities, we have aſſigned 'out of our ſeveral Stores, which in due time, we hope, you will ſee repleniſhed? 'For the Charge of looking to the Magazine at *Hull*, as it was undertaken vo-'luntarily by you at firſt, and (to ſay no more) unneceſſarily, ſo you may free 'our good People of that Charge, and leave it to us to look to, who are the 'proper owner of it. And this we hope will give you full ſatisfaction in this 'point, and that you do not (as you have done in the buſineſs of the Militia) ſend 'this Meſſage out of complemental Ceremony, reſolving to be your own Car-'vers at laſt. For we muſt tell you; if any attempt, or direction ſhall be made 'or given in this matter without our conſent or approbation, we ſhall eſteem it 'as an act of violence againſt us, and declare it to all the World as the greateſt 'violation of our Right, and breach of our Priviledge.

'Concerning the ſix Prieſts condemned, it is true, they were reprieved by 'our Warrant being informed that they were (by ſome reſtraint) diſabled to take 'the benefit of our former Proclamation: Since that, we have iſſued out 'another for the due execution of the Laws againſt Papiſts, and have moſt 'ſolemnly promiſed in the Word of a King, *never to pardon any Prieſt (without 'your conſent)* which ſhall be found guilty by Law; deſiring to *baniſh* theſe, having 'herewith ſent a Warrant to that purpoſe, if upon ſecond thoughts you do not 'diſapprove thereof, but if you think the execution of theſe Perſons ſo very neceſ-'ſary to the great and pious Reformation, we refer it wholly to you; declaring 'hereby that upon ſuch your Reſolution ſignified to the Miniſters of Juſtice, our 'Warrant for their reprieve is determined, and the Law to have its Courſe.

'And now let us ask you (for we are willing to Husband time, and to diſpatch 'as much as may be under one Meſſage: God knows the diſtractions of this 'Kingdom want a preſent Remedy) will there never be a time to offer too, as 'to ask of us? We will propoſe no more particulars to you, having no luck to 'pleaſe, or be underſtood by you, take your own time for what concerns our 'particular: But be ſure you have an early, ſpeedy care of the Publick, the Law 'of the Land: preſerve the Dignity and Reverence due to that. It was well ſaid 'in a Speech made by a private Perſon; but publiſhed by Order of the Houſe of 'Commons this Parliament. *The Law is that which puts a difference betwixt good and evil, juſt and unjuſt. If you take away the Law, all things will fall into a confuſion, every Man will become a Law unto himſelf, which in the depraved condition of Human Nature, muſt produce many great enormities: Luſt will become a Law, and envy will become a Law, covetouſneſs and ambition will become Laws, and what dictates, what deciſions, ſuch Laws will produce, may eaſily be diſcerned.* So 'ſaid that Gentleman, and much more very well in defence of the Law and 'againſt Arbitrary Power. It is worth looking over and conſidering; and if the 'moſt zealous defence of the true Proteſtant Profeſſion, and the moſt reſolved Pro-'tection of the Law, be the moſt neceſſary Duty of a Prince, We cannot believe 'this miſerable diſtance and miſunderſtanding can be long continued between us, 'we having often and earneſtly declared them to be the chiefeſt deſires of our 'Soul, and the end and rule of all our Actions.

It was part of *Pym*'s Speech againſt the Earl of *Strafford*.

'For *Ireland* we have ſufficiently, and we hope ſatisfactorily expreſſed to all 'our good Subjects our hearty ſence of that ſad buſineſs, in our ſeveral Meſſages 'on that Argument, but eſpecially in our laſt of the 8*th*. of this Month con-'cerning our Reſolution for that Service; for the ſpeedy, honourable and full 'performance whereof, we conjure you to yeild all poſſible aſſiſtance, and 'preſent advice.

The humble Petition of the Gentry and Commons of the County of *York* to the King, that the Arms and Ammunition at *Hull* may not be removed.

Moſt Royal Sovereign,

ENcouraged by your Majeſty's many teſtimonies of your gracious goodneſs to us, and our County; which we can never ſufficiently acknowledge. We in all Duty and Loyalty of Heart addreſs our ſelves to your Sacred Majeſty, beſeeching you to caſt your eyes and thoughts upon the ſafety of your own Perſon and your Princely Iſſue, and this whole County, a great means of which we conceive doth conſiſt in the Arms and Am-

munition

munition at Hull, *placed there by your Princely Care and Charge, and ſince upon general apprehenſion of dangers from Foreign Parts repreſented unto your Majeſty, thought fit as yet to be continued. We for our parts conceiving our ſelves to be ſtill in danger, do moſt humbly beſeech your Majeſty, you will be pleaſed to take ſuch Courſe and Order, that your* Magazine may ſtill there remain, *for the better ſecuring of theſe and the* Northern *parts: And the rather becauſe we think it fit that that part of the Kingdom ſhould be beſt provided,* where your Sacred Perſon doth reſide, *your Perſon being like* David's *the light of* Iſrael, *and more worth than ten thouſands of us*;

Who ſhall daily pray, *&c.* *An.* 1642.

Not long after this, His Majeſty continuing his Reſidence at *York*, on the 22*d.* of *April* 1642, there came to *Hull* the Duke of *York*, the Prince *Elector*, the Earl of *Newport*, the Lord *Willoughby*, and ſome other Perſons of Honour with their attendants to ſee the *Town*, who were reſpectfully entertained by the Major and the Governour, who ſpending that day in viewing the Beauty and Strength of the Place, were invited to a Banquet by the Major, and to Dinner by the Governour the next day (being St. *George*'s Day;) but a little before Dinner time, Sir *John Hotham* being buſie in his entertainment of their *Highneſſes*, was ſuddenly ſaluted by Sir *Lewis Dives* with a Meſſage from His Majeſty, that he alſo intended to Dine with him that day, being then within four Miles of *Hull* with three hundred Horſe and upwards, whereat being ſtartled for the preſent, he conſulted with Maſter *Pelham*, a Member of the Houſe, and Alderman of *Hull*, and with ſome others what to do, whereupon, a Meſſenger was thought fit to be forthwith ſent to His Majeſty, humbly to beſeech him to *forbear* to come, foraſmuch as he could not without betraying the Truſt committed to him, ſet open the *Gates* to ſo great a Guard as he came attended withal; upon the return of the Meſſenger, who certified concerning the King's advance towards the Town, he *drew up the Bridge*, and ſhut the Gates, and commanded the Souldiers to *ſtand to their Arms* round about the Walls.

King demands entrance into *Hull* the 23*d.* of *April*, 1642.

About Eleven of the Clock His Majeſty with his attendants came to the Gate of the Town called *Beverly Gate*, where calling for Sir *John Hotham*, he commanded the Gate to be opened; whoſe frequent Anſwer, to that re-iterated command was, that he was intruſted by *the Parliament, for the ſecuring of the Town for His Majeſty's Honour, and the Kingdoms uſe*, which he intended by Gods help to do; and herein he deſired His Majeſty not to miſinterpret his action, proteſting his *Loyalty*, and proffering that if His Majeſty would be pleaſed with the Prince and *twelve more* to come in, he ſhould be very welcome, otherwiſe he could not, without betraying his Truſt to the State, admit entrance to ſo great a Guard. But His Majeſty refuſing to enter without his *whole train*, about one of the Clock the Duke and the Prince *Elector* with their attendants, went forth to His Majeſty, who departed not from the Gates till four of the Clock. During all which time not the leaſt diſturbance was offered to Sir *John Hotham* or his Souldiers, from the *Townſmen*, although they exceeded their numbers, but rather encouragement and offers of aſſiſtance, if need ſhould require. About five of the Clock, having given to Sir *John Hotham* one hour to conſider what he did, His Majeſty returned to the Gate, and receiving the ſame anſwer as before, he commanded Sir *John Hotham* to be proclaimed *Traitor* by two *Heralds at Arms*, and then retreated to *Beverly* ſix miles off, where he lodged that Night. And the next Morning ſent again an Herald and ſome others with Conditions of Pardon, if yet he would open the Gates: But the ſame Anſwer being returned as before, His Majeſty advanced forwards towards *York*, and the ſame night diſpatcht the following Meſſage to the two Houſes.

Is denied by *Hotham*.

'HIS Majeſty having received the Petition incloſed from moſt of the chief of the 'Gentry near about *York*, deſiring the ſtay of His Majeſty's Arms and Muni-'tion, in his Magazine at *Hull*, for the Safety, not only of His Majeſty's Perſon and 'Children, but likewiſe of all theſe *Northern* Parts (the manifold Rumors of great 'Dangers inducing them to make their ſaid Supplication) thought it moſt fit to go 'himſelf in Perſon to his Town of *Hull*, to view his Arms and Munition there; that 'thereupon he might give directions, what part thereof might be neceſſary to 'remain there, for the ſecurity and ſatisfaction of His *Northern* Subjects, and 'what part thereof might be ſpared for *Ireland*; the arming of His Majeſty's 'Scots Subjects, that are to go thither; or to repleniſh His chief Magazine of 'the

His Majeſty's Meſſage *April* 24. to the Parliament concerning Sir *John Hotham*'s refuſal to give him entrance into *Hull*.

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'the *Tower* of *London*, where being come upon the 23*d.* of this inſtant *April*, much 'contrary to his expectation, he found all the Gates ſhut upon him, and the 'Bridges drawn up by the expreſs command of Sir *John Hotham* (who for the 'preſent Commands a Gariſon there) and from the Walls flatly denied His Ma-'jeſty entrance into His ſaid Town, the Reaſon of the ſaid Denial being as 'ſtrange to His Majeſty, as the thing it ſelf; it being, that he could not admit 'His Majeſty without breach of Truſt to his Parliament, which did the more in-'cenſe His Majeſty's anger againſt him, for that he moſt ſeditiouſly and traite-'rouſly would have put his diſobedience upon His Majeſty's Parliament, which 'His Majeſty being willing to clear, demanded of him, if he had the Impu-'dence to aver, that the Parliament had directed him to deny His Majeſty en-'trance; and that if he had any ſuch Order that he ſhould ſhew it in writing; 'for otherwiſe His Majeſty could not believe it, which he could no ways pro-'duce, but maliciouſly made that falſe Interpretation according to his own 'inferences, confeſſing that he had no ſuch poſitive Order which his Majeſty 'was ever confident of; but His Majeſty not willing to take ſo much pains in 'vain, offered to come into that his Town, only with twenty Horſe, finding, 'that the main of his pretence lay, that His Majeſty's train was able to com-'mand the Gariſon. Notwithſtanding His Majeſty was ſo deſirous to go thither 'in a private way, that he gave warning thereof but over-night; which he 'refuſing, but by way of condition (which His Majeſty thought much below 'him) held it moſt neceſſary to declare him Traitor (unleſs, upon better thoughts, 'he ſhould yeild obedience) which he doubly deſerved; as well for refuſing 'entrance to his natural Sovereign, as by laying the Reaſon thereof groundleſly 'and maliciouſly upon his Parliament.

'One Circumſtance His Majeſty cannot forget, that his Son, the Duke of *York*, 'and his Nephew, the Prince *Elector*, having gone thither the day before, Sir '*John Hotham* delayed the letting of them out to His Majeſty till after ſome 'Conſultation.

'Hereupon His Majeſty hath thought it expedient to demand Juſtice of His 'Parliament againſt the ſaid Sir *John Hotham*, to be exemplarily inflicted upon 'him according to the Laws; and the rather, becauſe His Majeſty would give 'them a fit occaſion to free themſelves from this imputation, by him ſo injuriouſly 'caſt upon them, to the end His Majeſty may have the eaſier way for the cha-'ſtiſing of ſo high a Diſobedience.

To Our Truſty and well-beloved, the Mayor, Aldermen, and Burgeſſes of Our Town and Port of *Kingſton* upon *Hull*.

His Majeſty's Letter to the Mayor of *Hull*. *April* 25. 1642.

TRuſty and wel-beloved, we greet you well. Whereas we have been long ſenſible of the juſt complaints and great burdens of our Subjects in theſe Northern *parts, by occaſion of the Gariſon in our Town of* Hull; *and whereas we were upon* Friday *the* 22*d. of this month petitioned by divers of the Gentry, and others, Inhabitants of this County, that the Munition at* Hull *might remain in the Magazine there, for the ſecurity of our Perſon, and of all theſe* Northern *parts, their fear, being much grounded upon the Parliaments Relations of Foreign Invaſions: upon which, the more to expreſs our care of our peoples ſafety, we did our ſelf go in Perſon to that our Town, that upon our own view, we might conſult what proportion of it might fitly be removed upon any preſſing occaſion, having a reſpect to the promiſed Supply for* Scotland, *the neceſſary uſe of Arms for* Ireland, *as well as for the ſafeguard and ſatisfaction of theſe* Nothern *parts: But much contrary to our expectation, and the Duty and Allegiance of our Subjects, we found the Gates of that our Town ſhut, and the Bridge drawn up againſt us; and though we came in a peaceable way, repoſing the greateſt confidence in the Love and Loyalty of our People, by offering (as we did) to put our own Perſon, and our two Sons, but with twenty Horſe, into that Town, there being in it a Gariſon of about eight hundred Soldiers; yet we were not only denied entrance, but in a warlike manner oppoſed by Sir* John Hotham, *the armed men being placed in all the Ports, and about all the Walls of the Town, alleadging (though falſly) for his excuſe, the command of the Parliament, and being preſſed by us to ſhew ſuch an Order in writing, he could not do it; for we were ever confident that there were never any publick Order of theirs, that could ſo much as imply a denyal to our admiſſion; We knowing well enough, that he was entruſted by them for a guard and ſecurity of that place againſt Foreign Enemies, or thoſe at home who are diſaffected in Religion, and not againſt his natural Sovereign, which hoſtile oppoſition and*

actual

18 *Caroli.*

actual levying of a War against our Person, being by the Statute of 25 *of* Edw. 3. *enacted High-Treason: which Statute considered, and that for the avoiding of all jealousies, as we have said, we were content to have been admitted with so very small a number in our Company; we were thereupon, constrained to proclaim the said Sir* John Hotham, *and all those that should adhere to, or assist him, Traytors. Of all which abovesaid passages, we have acquainted our Parliament, demanding Justice to be done upon him, that they might thereby have opportunity to vindicate the imputation laid on them by Sir* John Hotham, *and we the easier way to chastise according to the Law so high a Treason. And lest a misunderstanding of our Intentions, or of the Law may misguid any of our well-affected Subjects, the Inhabitants, Captains, Officers, or Souldiers in that Town; We have thought fit to commend to your consideration the aforenamed Statute with that of the* 11 *of* Hen. 7. Chap. 1.

Wherein it is declared, by the unanimous assent of Parliament, that the Subjects of this Realm are bound, by the duty of Allegiance, to serve the King, for the time being, for the defence of his Person and the Land, against every Rebellion, Might, or Power raised against him, and with His Majesty to enter or abide in Service and in Battle if cause so require; And it was therefore then enacted, that from thenceforth no Person whatsoever that shall attend upon the King, or be in place by his command within or without the Land, that for the same Deed and true service of Allegiance, he, and they be no ways attaint or convict of High-Treason, or of other Offences for that Cause, by any Process of Law, whereby he, or any of them shall loose or forfeit Lives, Lands, Tenements, Goods or any thing; but be, for that Deed and Service utterly discharged of any vexation, trouble, or loss; and if any Act or Acts, or other process of Law thereupon for the same happen to be made contrary to this Ordinance, that then that Act or Acts, or other process of the Law whatsoever they shall be, stand and be utterly void.

All which together with the Copies of our Message and Petition (which we send here inclosed) we require you to publish to the Inhabitants, and all such Commanders and Souldiers as will hear them: That knowing both the Peril of the Law on the one side, and the security of such as shall adhere to us on the other, they be not misled (through ignorance) to decline their Allegiance; And that the Souldiers may lay down their Arms, and admit our entrance in a peaceable way. In so doing, you shall both discharge your duties, and those that shall have need, be assured to find (upon such their submission) our ready mercy and pardon. And we do likewise require, and charge all you, the Inhabitants (as well Souldiers as others) upon your Allegiance, that you permit not any part of our Magazin, or Munition to be removed or transported out of that Town under any pretence of Order or Power whatsoever, without Our Royal Assent in writing under Our Hand, assuring you, that it will be much more pleasing to us to have occasion administred by the fidelty of the Inhabitants to enlarge those Graces and Immunities granted to that Town by Our Predecessors, then to have any occasion to question your Charter.

Given at Our Court at *York*, the 25*th.* of *April*, 1642.

His Majesty's second Message to the two Houses of Parliament concerning *Hull*.

'WE are so much concerned in the undutiful Affront (an indignity all Our 'good Subjects must disdain in Our behalf) We received from Sir *John* 'Hotham at *Hull*, that We are impatient till we receive Justice from you; and are 'compelled to call again for an Answer, being confident (however you would 'be so careful (though without Our consent) to put a Garison into that Our 'Town, to secure it and Our Magazine against any attempt of the Papists) that 'you never intended to dispose and maintain it against Us your Sovereign: 'Therefore We require you forthwith, (for the business will admit no delay) 'that you take some speedy course, that Our said Town and Magazine be im-'mediately delivered up unto Us, and that such severe exemplary Proceedings 'be against those Persons (who have offered Us this insupportable Affront and 'Injury) as by the Law is provided: And till this be done, We shall intend no 'business whatsoever (other then the business of *Ireland*) for if we are brought in-'to a condition so much worse than any of Our Subjects, that whilst you all en-'joy your Priviledges, and may not have your possessions disturbed, or your 'Titles questioned, We only may be spoiled, thrown out of Our Towns, and 'Our Goods taken from us; 'tis time to examine how We have lost those Privi-'viledges, and to tryall possible ways, by the help of God, the Law of the Land, 'and the affection of Our good Subjects, to recover them, and vindicate Our 'Self from those Injuries. And if We shall miscarry herein, We shall be the first 'Prince of this Kingdom that hath done so; having no other end, but to defend

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'The *true Proteſtant Profeſſion*, the Law of the Land, and the Liberty of the Subject; And *God ſo deal with Us* as we continue in thoſe Reſolutions.

Die Martis 26. *April* 1642.

Declaration of the Houſes againſt ſtopping the Paſſages to *Hull, April* 26.

IT is declared by the Lords and Commons in Parliament, that the *ſtopping of the Paſſages between* Hull *and the Parliament*, and the *intercepting of Meſſengers* imployed from the Parliament to *Hull*, or from any that are in the ſervice of the Parliament, or any Letters whatſoever ſent by any to, or from the Parliament, is a high *breach of the Priviledges* of Parliament, which by the Laws of this Kingdom, and the Proteſtation, we are bound to defend with our Lives and our Fortunes, and to bring the Violators thereof to Condign Puniſhment; And hereby all Lords Lieutenants and their Deputies, authoriſed by the Ordinance of both Houſes of Parliament, all Sheriffs, Juſtices, Mayors, Bailiffs, Conſtables and other Officers whatſoever, are required to give their utmoſt Aid and Aſſiſtance to all that are imployed in the ſaid ſervice, for their better and more ſpeedy, free and ſafe paſſage. And to apprehend all ſuch as by colour of any Warrant or other Authority whatſoever, ſhall endeavour to go about to hinder any that are employed about, and them to apprehend, and in ſafe Cuſtody to ſend up to the Parliament.

Ordered by the Lords and Commons in Parliament, that this Declaration ſhall be forthwith Printed and Publiſhed. Jo. Brown, *Cler. Parlament.*

Die Martis, April 26. 1642.

Another Order touching the ſame, and for ſuppreſſing of Forces raiſed to force *Hull.*

Ordered by the Lords and Commons in Parliament; That the Sheriffs and Juſtices of the Peace of the Counties of *York* and *Lincoln*, and all other his Majeſties Officers ſhall *ſuppreſs all Forces* that ſhall be Raiſed, or gathered together in thoſe Counties; either to Force the ſaid Town of *Hull*, to ſtop the paſſengers to, and from the ſame, or in any other way to diſturb the Peace of the Kingdom.

Ordered by the Lords and Commons in Parliament, that this Order ſhall be Printed and Publiſhed forthwith.

John Brown, *Cler. Parlament.*

The Declaration, Votes and Order of Aſſiſtance of both Houſes of Parliament, concerning the Magazine at Hull, *and Sir* John Hotham, *Governour thereof.*

The Houſes Declaration concerning *Hull* and *Hotham April* 28. 1642.

THE Lords and Commons in Parliament finding juſt cauſe to fear, not only the deſperate deſigns of Papiſts, and others of the Malignant Party at home, but alſo the malice of Enemies, incited by them from abroad, thought it neceſſary, for the ſafety of this Kingdom, to ſecure the Town of *Kingſton* upon *Hull*, being one of the moſt conſiderable places for ſtrength, and affording the beſt conveniency for Landing of Foreign Forces, and where a part of the Magazine of the Kingdom for that time was placed; and for that end appointed Sir *John Hotham*, one of the Members of the Houſe of Commons, being a Gentleman of the ſame County, of a conſiderable Fortune, and approved Integrity, to take upon him the Government of the Town, and to draw thither ſome of the Trained Bands, for the guard thereof; in which apprehenſion and reſolution thereupon taken, they are the more confirmed, by the ſight of ſome intercepted Letters of the Lord *Digby* (a principal Perſon of that party) written to the Queen, and Sir *Lewis Dives*, whereby that party diſcovered an endeavour to perſwade his Majeſty to declare himſelf, and retire into ſome place of ſafety in this Kingdom, in oppoſition to ways of accommodation with his people; and to give the better opportunity to himſelf, and other dangerous perſons to reſort thither; which could have no other end, but to incline his Majeſty to take Arms againſt his Parliament and good Subjects, and miſerably to embroil this Kingdom in Civil Wars.

About which time one Captain *Leg* (a man formerly employed in the practiſe of bringing up the Army againſt the Parliament) had direction, by Warrant, produced by him, under the King's Hand and Sign Manuel, to enter *Kingſton* upon *Hull*, and to draw thither ſuch of the Train'd Bands, as he ſhould think fit; and that the Earl of *Newcaſtle* came thither in a ſuſpicious way, and under a feigned Name, and did endeavour to poſſeſs himſelf of the ſaid Town by vertue of the like Warrant and Authority.

They farther conceiving, that the Magazine there, being of ſo great importance to this Kingdom, would be more ſecure in the Tower of *London*, did humbly petition his Majeſty to give his Conſent, the ſame might be removed, which notwithſtanding his Majeſty did refuſe; and thereupon ſome few ill-affected perſons about the City of *York*, took upon them the preſumption, in oppoſition to the

the Deſires, and in contempt of both Houſes, to petition his Majeſty to continue the Magazine at *Hull*, alledging it to be for the ſafety of his Majeſty (as if there could be a greater care in them, of his Majeſties Royal Perſon, than in his Parliament); and his Majeſty the next day, after the delivery of that Petition, being the 23*d* of this inſtant *April*, took occaſion thereupon to go to the Town of *Hull*, attended with about 400. Horſe (the Duke of *York*, and the Prince Elector being gone thither the day before) and required Sir *John Hotham* to deliver up the Town into his hands; who perceiving his Majeſty to be accompanied with ſuch force, as might have maſtered the Garriſon of the Town; and having received intelligence of an intention to deprive him of his Life, in caſe the King ſhould be admitted, informed his Majeſty of the Truſt repoſed in him by both Houſes of Parliament, and that he could not, without breach of that Truſt, let him in; beſeeching his Majeſty to give him leave to ſend to the Parliament to acquaint them with his Majeſties Command, and to receive their directions thereupon, which he would do with all expedition: which Anſwer his Majeſty was not pleaſed to accept of, but preſently cauſed him and his Officers to be proclaimed Traitors before the Walls of the Town; and thereupon diſpatched a Meſſage to both Houſes, therein charging Sir *John Hotham* with high Treaſon, and aggravating his Offence, becauſe he pretended the Parliaments Command. In the mean while hindring him of all means of intelligence with the Parliament, for his Majeſty cauſed all Paſſages to be ſtopped between him and them; and in purſuance of the ſame, one of his Servants, who was ſent by him with Letters to the Parliament, to inform them of the truth of thoſe proceedings, was apprehended, his Letters taken from him, and his Perſon detained; whereby (contrary to the common liberty of every Subject) he was not only deprived of means to clear himſelf of that heavy Accuſation, but of all ways of intercourſe; either to receive Directions from them that truſted him, or to inform them what had hapned. *Caroli* 18.

The Lords and Commons finding the ſaid proceedings to be a high Violation of the Priviledges of Parliament (of which his Majeſty had in ſeveral Meſſages expreſſed himſelf to be ſo tender) a great infringement of the Liberty of the Subject, and the Law of the Land, which his Majeſty had ſo often lately profeſſed ſhould be his Rule to Govern by, and tending to the endangering of his Majeſties Perſon, and the Kingdoms Peace; thought fit, as well for the Vindication of their own Rights and Priviledges, and the indemnity of that Worthy Perſon employed by them, as for the clearing of their own Proceedings, to publiſh theſe enſuing Votes, which were made upon a former Relation, that came from the King.

Die Jovis, April 28. 1642. *Reſolved upon the Queſtion.*

Votes concerning Sir *John Hotham, April* 28.

THat Sir *John Hotham*, Knight, according to this Relation, hath done nothing but in obedience to the Command of both Houſes of Parliament.

Reſolved, &c. That this declaring of Sir *John Hotham* Traitor, being a Member of the Houſe of Commons, is a high breach of the priviledge of Parliament.

Reſolved, &c. That this declaring Sir *John Hotham* Traitor, without due Proceſs of Law, is againſt the Liberty of the Subject, and againſt the Law of the Land.

The Order of Aſſiſtance given to the Committe of both Houſes, concerning their going to Hull, April 28. 1642.

Order of Aſſiſtance to the Committee at *Hull, April* 28. 1642.

WHereas the Earl of *Stamford*, the Lord *Willoughby* of *Parham*, Sir *Edward Aſcough*, Sir *Chriſtopher Wray*, Sir *Samuel Owfield* and Mr. *Hatcher* are by the Lords and Commons in Parliament Aſſembled, Commanded to make their repair into the Counties of *York* and *Lincoln*, and the Town of *Kingſton* upon *Hull*, for ſpecial ſervice for his Majeſty, and the Peace and Safety of the Kingdom; and accordingly have received particular Inſtructions for their better directions therein: Theſe are to require all Lords-Lieutenants and their Deputies, Sheriffs, Juſtices of the Peace, Mayors, Bailiffs, Conſtables, and all other his Majeſties Officers and loving Subjects to be Aiding and Aſſiſting unto them upon all Occaſions, as need ſhall require.

His Majeſties Anſwer to the Declaration, Votes, and Order of Aſſiſtance of both Houſes of Parliament, concerning the Magazine at Hull.

King's Anſwer to the Declaration, and Votes touching *Hull* and *Hotham*, *May* 4. 1642.

SInce our Gracious Meſſage of the 24th of *April* laſt, to both Houſes of Parliament (demanding Juſtice for the high and unheard of Affront offered unto

Us,

An. 1642.

'Us, at the Gates of *Hull*, by Sir *John Hotham*) is not thought worthy of an An'ſwer; but that inſtead thereof they have thought fit by their Printed Votes, of 'the 28th of *April* laſt, to Own and Avow that unparallel'd Act of Sir *John Ho-'tham*'s, to be done in Obedience to the Command of both Houſes of Parliament '(tho at that time he could produce no ſuch Command) and with other Reſolu-'tions againſt our Proceedings there, to publiſh a Declaration concerning that bu-'ſineſs, as an Appeal to the People; and as if their Intercourſe with Us, and for our ſa-'tisfaction, were now to no more puppoſe; tho we know this courſe of theirs to be 'very unſutable to the modeſty and duty of former times, and unwarrantable by 'any Precedents but what themſelves have made; yet we are not unwilling to joyn 'iſſue with them in this way, and to let all the World knew, how Neceſſary, Juſt 'and Lawful all our proceedings have been in this point, and that the defence of 'theſe proceedings is the defence of the Law of the Land, of the Liberty and Pro'perty of the Subject, and that by the ſame rule of Juſtice, which is now offered 'to Us, all the private Intereſt and Title of all our good Subjects to all their Lands 'and Goods are Confounded and deſtroyed. Mr. *Pym* himſelf tells you, in his 'Speech againſt the E. of *Strafford* (publiſhed by Order of the Houſe of Commons) 'The Law is the ſafeguard; the cuſtody of all private intereſts; your Honors, your 'Lives, your Liberties and Eſtates are all in the keeping of the Law, without this 'every man hath a like right to any thing: And we would fain be anſwered what 'Title any Subject of our Kingdom hath to his Houſe or Land, that we have not 'to our Town of *Hull*? Or what right hath he to his Mony, Plate or Jewels, that 'we have not to our Magazine or Munition there? If we had ever ſuch a Title, 'we would know when we loſt it. And if that Magazine and Munition (bought 'with our own Mony) were ever ours, when, and how that property went out of 'Us? We very well know the great and unlimited power of a Parliament, but we 'know as well, that it is only in that ſenſe, as we are a part of that Parliament, 'without Us, and againſt our Conſent, the Votes of either, or both Houſes toge-'ther, muſt not, cannot, ſhall not (if we can help it, for our Subjects ſake, as well 'as our own) forbid any thing that is enjoyned by the Law, or enjoyn any thing 'that is forbidden by the Law, but in any ſuch alteration which may be for the 'peace, and happineſs of the Kingdom, we have not, ſhall not refuſe to conſent; 'and we doubt not but all our good Subjects will eaſily diſcern in what a miſera-'ble inſecurity and confuſion they muſt neceſſarily and inevitably be, if Deſcents 'may be altered, Purchaſes avoided, Aſſurances and Conveyances cancelled, the 'Sovereign Legal Authority deſpiſed and reſiſted by Votes and Orders of either, or 'both Houſes; and this we are ſure is our caſe at *Hull*, and as it is ours to day, by 'the ſame Rule it may be theirs to morrow.

'Againſt any deſperate deſigns of the Papiſts, we have ſufficiently expreſſed our 'zeal and intentions, and ſhall be as forward to adventure our Life and Fortune to 'oppoſe any ſuch Deſigns, as the meaneſt Subject in our Kingdom.

'For the Malignant Party, as the Law hath not, to our knowledge, defined their 'Condition, ſo hath neither Houſe preſented them to Us under ſuch a notion as we 'may underſtand whom they intend, and we ſhall therefore only enquire after, 'and avoid the Malignant Party, under the Character of perſons diſaffected to the 'peace and government of the Kingdom, and ſuch who (neglecting and deſpi-'ſing the Law of the Land) have given themſelves other rules to walk by, and ſo 'diſpenſed with their obedience to Authority: Of theſe perſons (as deſtructive 'to the Common-wealth) we ſhall take all poſſible caution.

'Why any Letters intercepted from the Lord *Digby* (wherein he mentions a re-'treat to a place of ſafety) ſhould hinder us from viſiting our own Fort, and how we 'have oppoſed any ways of accommodation with our Parliament, and what ways 'and overtures have been offered in any way, or like any deſire of ſuch accommo-'dation, or whether our Meſſage of the 20th of *January* laſt (ſo often in vain preſ-'ſed by Us) hath not ſufficiently expreſſed our earneſt deſire of it, let all the 'world judge, neither is it in the power of any perſons to encline Us to take Arms 'againſt our Parliament, and our good Subjects, and miſerably to imbroil this 'Kingdom in Civil Wars. We have given ſufficient evidence to the world how 'much our affections abhor, and our heart bleeds at the apprehenſion of a Civil 'War; and let God and the World judge if our Care and Induſtry be not only to 'defend and protect the Liberty of the Subject, the Law of the Kingdom, our 'own Juſt Rights (part of that Law) and our Honour (much more precious 'than our Life) and if in oppoſition to theſe any Civil War ſhall ariſe upon whoſe

'account

18 *Caroli.*

'account the blood and deſtruction that muſt follow muſt be caſt, God and our 'own Conſcience tells us that we are clear.

'For Captain *Legs* being ſent heretofore to *Hull* (though by the way this is the 'firſt time we ever heard that he was accuſed for the practice of bringing up the 'Army againſt the Parliament, neither do we yet know that there is ſuch a charge 'againſt him) or the Earl of *Newcaſtles* being ſent hither, by our Warrant and Au-'thority; we asked a Queſtion long ago in our Anſwer to both Houſes concern-'the Magazine at *Hull*, which we have cauſe to think is not eaſie to be anſwered: 'Why the general Rumor of the deſign of the Papiſts in the Northern parts 'ſhould not be thought ſufficient ground for Us to put ſuch a Perſon of Honour, 'Fortune, and unblemiſhed Reputation (as the Earl of *Newcaſtle* is known to be) 'into a Town and Fort of our own, where our own Magazine lay, and yet the 'ſame Rumor be warrant enough to commit the ſame Town and Fort, without 'our Conſent, to the hands of Sir *John Hotham*, with ſuch a power as is now too well 'known and underſtood. How our refuſal to have that Magazine removed upon 'the Petition of both Houſes could give an advantage againſt Us, to have it taken 'from Us; and whether it was a refuſal, all men will eaſily underſtand who read 'our Anſwer to that Petition, to which it hath not been yet thought fit to make 'any Reply.

'For the condition of thoſe perſons who preſented the Petition to Us at *York* '(whom that Declaration calls ſome few ill-affected perſons about the City of '*York*,) to continue the Magazine at *Hull*, we make no doubt but that Petition will 'appear to be atteſted both in number and weight, by Perſons of Honour and in-'tegrity, and much more converſant with the affections of the whole County, than 'moſt of thoſe Petitions which have been received with much conſent and appro-'bation: And for the preſumption of interpoſing their advice, we the more won-'der at that exception, when ſuch encouragement hath been given, and thanks 'declared to multitudes of mean unknown people, Apprentices and Porters, who 'accompanied Petitions of very ſtrange natures.

'For the manner of our going to *Hull*, we have clearly ſet forth the ſame in our 'Meſſage to both Houſes, of that buſineſs, and for any intelligence given to Sir *John* '*Hotham* of an intention to deprive him of his life, as we know there was no ſuch 'intention in Us, having given him all poſſible aſſurance of the ſame, at our being 'there: ſo we are confident no ſuch intelligence was given, or if it were, it was 'by ſome Villain, who had nothing but malice, or deſign to affright him from his 'due obedience, to warrant him. And Sir *John Hotham* had all the reaſon to aſ-'ſure himſelf, that his life would be in much more danger by refuſing to admit 'his King into his own Town and Fort, than by yeilding him that obedience, 'which he owed by his Oaths of Allegiance and ſupremacy, and the Proteſtation, 'and which he well knew was due and warrantable by the Laws of the Land.

'For the number of our Attendants (though that could be no warrant for 'ſuch a diſobedience in a Subject) it is well known (as we expreſſed in our Meſ-'ſage to both Houſes, to which credit ought to have been given) that we offered 'to go into the Town with twenty Horſe only, our whole Train being unarmed, 'and whoſoever thinks that too great an Attendance for our ſelf, and our two Sons, 'have ſure an intention to bring Us to a meaner Retinue than they yet will avow.

'Here is then our Caſe (of which let all the World judge) We endeavoured 'to viſit a Town and Fort of our own, wherein our Magazine lay, a Subject in de-'fiance of Us, ſhuts the Gates againſt Us, with armed men reſiſts, denies, and op-'poſes our enterance, tells us in plain terms, we ſhall not come in; We do not pre-'tend to underſtand much Law, yet in the point of Treaſon, we have had much 'learning taught this Parliament, and if the ſenſe of the Statute 25. *E.* 3. *Cap.* 2. be 'not very differing from the Letter, Sir *John Hotham*'s Act was no leſs than plain 'High Treaſon: And we had been contemptibly ſtupid if we had (after all thoſe 'circumſtances of Grace and Favour then ſhewed him) made any ſcruple to pro-'claim him Traytor. And whether he be ſo or no, if he ſhall render himſelf, we will 'require no other Tryal, than that which the Law hath appointed to every Subject, 'and which we are confident we have not (in the leaſt degree) in thoſe proceedings 'violated no more than we have done the priviledge of Parliament, by endeavour-'ing in a juſt way to challenge our own unqueſtionable Priviledges: for that in 'ſuch a caſe the declaring him Traitor, being a Member of the Houſe of Com-'mons, without proceſs of Law, ſhould be a breach of priviledge of Parliament '(of which we are ſure none extends to Treaſon, Felony or breach of the Peace)

'againſt

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'againſt the Liberty of the Subject, or againſt the Law of the Land, we muſt have 'other reaſons, than bare Votes.

'We would know if Sir *John Hotham* had (with thoſe Forces by which he kept Us 'out of our own Town of *Hull*) purſued Us to the Gates of *York* (which he might as 'legally have done) muſt we have ſtaid from declaring him Traitor, till proceſs of 'Law might have iſſued out againſt him? Will Fears and Jealouſies diſpence with 'real and neceſſary forms; and muſt we, when actual War is leavied upon Us ob- 'ſerve forms, which the Law it ſelf doth not enjoyn? The Cauſe is truly ſtated, let all 'the World Judge (unleſs the meer ſitting of a Parliament doth ſuſpend all Laws, 'and we are the only perſon in *England*, againſt whom Treaſon cannot be com- 'mitted) where the fault is: And whatſoever Courſe we ſhall be driven to for the 'vindication of this our Priviledge, and for the recovery and maintenance of our 'known and undoubted Rights; We do promiſe in the preſence of Almighty God, 'and as we hope for his bleſſing in our ſucceſs, that we will to the utmoſt of our 'Powers defend and maintain the true Proteſtant Profeſſion, the Law of the Land, 'the Liberty of the Subject, and the Juſt Priviledge and Freedom of Parliament.

'For the order of Aſſiſtance given to the Committees of both Houſes concerning 'their going to *Hull*, we ſhall ſay no more, but that thoſe perſons named in that 'Order, we preſume will give no Commands, or our good Subjects obey other, 'than what are warranted by Law (how large and unlimitted ſoever the direc- 'ons are, or the Inſtructions may be) for to that Rule we ſhall apply our own 'Actions, and by it require an account from other men. And that all our good 'Subjects may the better know their Duty in matters of this nature, we wiſh them 'carefully to peruſe the Statute in the 11th year of *Hen.* 7. *Chap.* 1. We Conclude 'with Mr. *Pyms* own Words; *If the Prerogative of the King overwhelm the Liberty of 'the People, it will be turned to Tyranny; if Liberty undermine the Prerogative, it will 'grow into Anarchy*; and ſo we ſay into *Confuſion.*

His Majeſties Letter to the High Sheriff of the County of *York*, *May* 5. 1642.

To our Truſty and Well-beloved the High Sheriff of Our County of *York.*

King's Letter to the Sheriff of *Yorkſhire* touching *Hotham*, *May* 5.

TRuſty and Wellbeloved, We greet you well; Whereas we underſtand, that Sir John Hotham *takes upon him (without any Legal Authority or Power) to Iſſue Warrants to Conſtables, and other our Officers, to raiſe divers of our Trained Bands of this our County, and requires them to march with their Arms, and to come into our Town of* Hull, *where he hath diſarmed divers of them, keeps their Arms, and diſcharges the men; and whereas we are credibly informed, that divers perſons, who were lately Colonels, Lieutenant-Colonels, Captains and Officers of the Trained Bands of this our County, intend ſhortly to Summon, and endeavour to muſter the Forces of this our County: For as much as by the Law of the Land, none of our Trained Bands are to be Raiſed, or Muſtered, upon any Pretence, or Authority whatſoever, but by ſpecial Warrant under our own Hand, or by a Legal Writ directed to the Sheriff of the County, or by Warrant from the Lord Lieutenant, or Deputy-Lieutenants of the County, appointed and authorized by Commiſſion under our Great Seal. And whereas, at preſent, there is no Lord Lieutenant, or Deputy Lieutenant legally authorized to Command the Forces and Trained Bands of this our County of* York, *and the Commiſſions, Command and Power of all Colonels, Lieutenant Colonels, Captains and Officers of our Trained Bands (which are derived from the Commiſſion and Power of the Lord Lieutenant only) are now actually void, and of no force and authority. Our Will and Command therefore is, that you forthwith iſſue Warrants, under your Hand, to all the late Colonels, Lieutenant-Colonels, Captains and Officers, who while the Lord Lieutenants Commiſſion was in force) had the Command of the Trained Bands of this our County; and alſo to all High and Petty Conſtables, and other our Officers in this our County, whom it may concern; Charging and Commanding them, and every of them, in our Name, and upon their Allegiance, and as they tender the Peace of this our Kingdom, not to Muſter, Levy, or Raiſe, or to Summon, or Warn (upon any Pretence, or Directions whatſoever) any of our Trained Bands to Riſe, Muſter or March without expreſs Warrant under our Hand, or Warrant from you, our Sheriff, grounded upon a particular Writ to that purpoſe; which we alſo Command you, not to put in excution, without our Privity and Allowance, while we ſhall reſide in this our County. And in caſe any of our Trained Bands ſhall Riſe or gather together, contrary to this our Command; then we will and Command you to Charge and Require them to diſſolve, and retire to their Dwellings. And if, upon due Summons from you, they ſhall not lay down their Arms and depart to their dwellings; We will and command you, upon your Allegiance, and as you tender the*

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Peace and Quiet of this Our Kingdom, to raiſe the Power of the County, and ſuppreſs them by force, as the Law hath directed, and given you power to do. And to the end that this our expreſs command may be notified to all our good Subjects, in this our County, ſo as none may pretend hereafter to have been miſled through ignorance: We require you to cauſe theſe Our Letters to be forthwith read, and publiſhed openly in all Churches and Pariſhes in this our County; herein you may not fail, as you tender the Safety and Honour of Our Perſon, the Good and Peace of this Our Kingdom, and will anſwer the contrary at your peril. For which this ſhall be your ſufficient Warrant.

Given at Our Court at *York* the 5*th.* day of *May*, in the eighteenth Year of Our Reign.

To the King's moſt Excellent Majeſty.

The moſt humble Anſwer of the Lords and Commons in Parliament to two Meſſages from your Sacred Majeſty, concerning Sir John Hotham's *refuſal to give your Majeſty entrance into the Town of* Hull.

Preſented to His Majeſty at York *the* 9th. *of* May, 1642.

The Houſes Anſwer to the Kings two Meſſages touching *Hull* and *Hotham*, *May* the 9*th.* 1642.

'YOUR Majeſty may be pleaſed to underſtand, That we your great Counſel 'finding manifold evidences of the wicked Counſels and Practiſes of ſome in 'near Truſt and Authority about you, to put the Kingdom into a Combuſtion, by 'drawing your Majeſty into places of ſtrength, remote from your Parliament, and 'by exciting your people to commotions, under pretence of ſerving your Majeſty a-'gainſt your Parliament; leſt this malignant Party, by the Advantage of the Town 'and Magazine of *Hull*, ſhould be enabled to go thorough with their miſchievous In-'tentions, did (in diſcharge of the great Truſt that lies upon us, and by that power, 'which in caſes of this nature reſides in us) command the Town of *Hull* to be ſe-'cured by a Gariſon of the adjoyned Train'd-Bands, under the Government of Sir '*John Hotham*, requiring him to keep the ſame for the ſervice of your Majeſty and 'the Kingdom, wherein we have done nothing contrary to your Royal Sove-'reignty in that Town, or Legal propriety in the Magazine.

'Upon conſideration of Sir *John Hotham's* proceeding at your Majeſty's being 'there, we have, upon very good Grounds adjudged, that he could not diſcharge 'the Truſt upon which, nor make good the end for which he was placed in the Guard 'of that Town and Magazine, if he had let in your Majeſty with ſuch Counſellors and 'Company as then were about you.

'Wherefore upon full Reſolution of both Houſes, we have declared Sir *John* '*Hotham* to be clear from that odious Crime of Treaſon, and have avowed, that he 'hath therein done nothing, but in obedience to the commands of both Houſes of 'Parliament, aſſuring our ſelves, that upon mature deliberation, your Majeſty will 'not interpret his obedience to ſuch Authority to be an Affront to your Majeſty; 'or to be of that Nature as to require any juſtice to be done upon him, or ſatisfaction 'to be made to your Majeſty, but that you will ſee juſt cauſe of joyning with your 'Parliament in preſerving and ſecuring the Peace of the Kingdom, ſuppreſſing this 'wicked and malignant Party, *who by falſe colours and pretenſions of maintaining your* '*Majeſty's prerogative againſt the Parliament* (*wherein they fully agree with the Rebels in* 'Ireland) *have been the Cauſes of all our Diſtempers and Dangers.*

'For prevention whereof, we know no better Remedy then ſettling the Militia of 'the Kingdom according to the Bill, which we have ſent your Majeſty without any 'intention of deſerting or declining the validity or obſervance of that Ordinance, 'which paſt both Houſes, upon your Majeſty's former refuſal; but we ſtill hold that 'Ordinance to be effectual by the Laws of this Kingdom.

'And we ſhall be exceeding glad, if your Majeſty by approving theſe our juſt, duti-'ful and neceſſary Proceedings ſhall be pleaſed to entertain ſuch Counſel, as we 'aſſure our ſelves (by God's Bleſſing) will prove very advantageous for the Honour 'and Greatneſs of your Majeſty, the Safety and Peace of your People; amongſt 'which we know none more likely to produce ſuch good effects, then a Declara-'tion from your Majeſty of your purpoſe to lay aſide all thoughts of going into *Ire* '*land*, and to make a ſpeedy return into theſe parts, to be near your Parliament, which 'as it is our moſt humble Deſire, and earneſt Petition, ſo ſhall it be ſeconded with 'our moſt dutiful care for the ſafety of your Royal Perſon, and conſtant Prayers, 'that it may prove honourable and ſucceſsful in the happineſs of your Majeſty and 'all your Kingdoms.

His

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His Majesty's Reply to the Answer of both Houses of Parliament, presented to His Majesty the 9*th.* of *May*, to two Messages sent to them from His Majesty concerning Sir *John Hotham*'s refusal to give His Majesty entrance into his Town of *Hull*.

His Majesty's Reply.

HIS Majesty was in good hope, that the Reason why you so long deferred your Answer to his Messages concerning Hull, *was; that you might the better give him satisfaction therein, which now adds the more to his astonishment finding this Answer (after so long Advisement) to be of that Nature, which cannot but rather increase, then diminish the present Distractions, if constantly adher'd unto by the Parliament. Was it not too much that His Majesty's Town of* Hull *had a Garrison put into it, to the great Charge of the Country, and inconvenience to the poor Inhabitants, without His Majesty's consent and approbation, under colour at that time of Foreign Invasions and Apprehensions of the Popish party; but now the Reasons thereof must be enlarged with a scandal to His Majesty and His faithful Servants, only to bring in the more specious Pretext for the avowing of Sir* John Hotham's *Treasonable Insolence.*

His Majesty hath often heard of the great Trust, that by God and Mans Law is committed to the King, for the Defence and Safety of His People; but as yet hath never understood what Trust or Power is committed to either, or both Houses of Parliament without the King, they being summoned to Council and Advise the King; *but by what Law or Authority they possess themselves of His Majesty's proper Right and Inheritance; He is confident that as they have not, so they cannot shew.*

His Majesty hitherto hath not given the least interruption to publick Justice; but you rather then suffer one of your Members to come so much as to a Legal Tryal for the highest Crime, will make use of an Order of Parliament to countenance Treason, by declaring him free from that Guilt, which all former Ages never accounted other; and that, without so much as inquiring the Opinion of the Judges: for His Majesty is confident that you would have mention'd their Opinion, if you had asked the same.

Therefore His Majesty expects; that upon farther and better consideration of the great and necessary Consequence of the business of Hull, *and seriously weighing how much this doth concern the Peace and Quiet of the Kingdom, you will (without farther instance from His Majesty) give him full and speedy Justice against Sir* John Hotham: *and he leaves all His People to think what hope of Justice there is left for them, when you shall refuse, or delay to give your own Sovereign satisfaction; and (as His Majesty hath already said) till this be done, he will intend no business whatsoever other then that of* Ireland.

And His Majesty likewise expects, that in the way you have expressed in this your Answer you will not put the Militia in execution, until you can shew him by what Law you have Authority to do the same, without his consent; or if you do, he is confident, that he shall find much more obedience, according to Law, then you against Law: And His Majesty shall esteem all those that shall obey you therein, to be disturbers of the Peace of the Kingdom; and, in due time, call them Legally to a strict Account for the same.

As for Ireland, *His Majesty refers you to His former Answer.*

And lastly, concerning his return, he never heard, that the slandering of a King's Government and his faithful Servants, the refusing of him Justice in a Case of Treason, and the seeking to take away his undoubted and legal Authority, under the pretence of putting the Kingdom into a posture of Defence, were Arguments to induce a King to come near, or hearken to His Parliament.

By the KING.

Proclamation forbidding Relief of *Hull*.

WHereas Our Town and County of Kingston upon Hull, **is and hath for some months last past been withheld from Us: And Our entrance into the same traiterously resisted and opposed with great force and numbers of armed Men, commanded and directed by Sir** John Hotham, **who (We understand, is now labouring to seduce more of our loving Subjects to help and assist him in that odious and traiterous Action.**

We do by this Proclamation, straightly Charge and Command all Our loving Subjects, that they do not give him any Assistance, Aid or Succour by their own Persons or by sending any other thither, or by conveying or causing to be conveyed into the said Town or County any Persons, Money, Arms, Ammunition, Victualls or any other Aid or Succour for or towards the keeping or defending of the said Town or County against Us, or any sent or to be sent by Us, for the removing of the unlawful Forces there, and taking possession of Our Fort, Port, Arms and Ammunition there. And hereof We charge all Our loving Subjects to take notice, and to give present and full Obedience hereunto as they will avoid the Danger of falling into the detestable Crime of Treason

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A *Remonſtrance; or the Declaration of the Lords and Commons now aſſembled in Parliament, the* 26th *of* May, 1642, *in Anſwer to a Declaration under his Majeſty's Name, concerning the buſineſs of* Hull.

A Remonſtrance of the Houſes touching *Hull* and *Hotham*. *May* 26, 1642.

ALtho the great Affairs of this Kingdom, and the miſerable bleeding Condition of the Kingdom of *Ireland*, affords us little leaſure to ſpend our time in Declarations, and in Anſwers and Replies; yet the malignant Party about his Majeſty taking all occaſions to multiply Calumnies upon the Houſes of Parliament, and to publiſh ſharp Invectives under his Majeſty's Name againſt them, and their Proceedings (a new Engine, which they have invented to heighten the Deſtruction of this Kingdom, and to beget and increaſe Diſtruſt and Diſaffection between the King and his Parliament and the People) we cannot be ſo much wanting to our own Innocence, or to the Duty of our Truſt, as not to clear our ſelves from thoſe falſe Aſperſions, and (which is our chiefeſt Care) to diſabuſe the Peoples Minds, and open their Eyes, that under the falſe Shews and Pretexts of the Law of the Land, and of their own Rights and Liberties, they may not be carried into the Road-way that leads to the utter Ruin and Subverſion thereof.

A late occaſion that theſe wicked Spirits of Diviſion have taken to defame, and indeed to arraign the Proceedings of both Houſes of Parliament, hath been from our Votes of the 28*th* of *April*, and our Declaration concerning the Buſineſs of *Hull*, which becauſe we put forth before we could ſend our Anſwer concerning that Matter unto His Majeſty, thoſe miſchievous Inſtruments of Diſſention between the King, the Parliament and the People, whoſe chief Labour and Study, is to miſrepreſent our Actions to His Majeſty and to the Kingdom, would needs interpret this as an Appeal to the People, and a declining of all Intercourſe between His Majeſty and Us; as if we thought it to no purpoſe to endeavour any more to give him Satisfaction, and without expecting any longer our Anſwer, under the Name of a Meſſage from His Majeſty to both Houſes of Parliament, they themſelves have indeed made an Appeal to the People, as the Meſſage it ſelf doth in a manner grant it to be, offering to join iſſue with us in that way, and in the nature thereof doth clearly ſhew it ſelf to be no other. Therefore we ſhall likewiſe addreſs our Anſwer to the Kingdom, not by way of Appeal, (as we are charged) but to prevent them from being their own Executioners, and from being perſwaded under falſe colours of defending the Law, and their own Liberties, to deſtroy both with their own Hands, by taking their Lives, Liberties and Eſtates out of their Hands, whom they have choſen and entruſted therewith, and reſigning them up to ſome evil Counſellors about his Majeſty, who can lay no other Foundation of their own Greatneſs, but upon the Ruin of this, and in it of all Parliaments, and in them of the true Religion, and the Freedom of this Nation: and theſe are the Men that would perſwade the People, that both Houſes of Parliament, containing all the Peers, and repreſenting all the Commons of *England*, would deſtroy the Laws of the Land, and Liberty of the People, wherein beſides the Truſt of the whole, they themſelves in their own particulars have ſo great an Intereſt of Honour and Eſtate, that we hope it will gain little Credit with any, that have the leaſt uſe of Reaſon, that ſuch as muſt have ſo great a ſhare in the Miſery, ſhould take ſo much Pains in the procuring thereof, and ſpend ſo much Time, and run ſo many Hazards to make themſelves Slaves, and to deſtroy the Property of their Eſtates; but that we may give particular Satisfaction to the ſeveral Imputations caſt upon us, we ſhall take them in order, as they are laid upon us in that Meſſage.

Firſt; We are charged for the avowing of that Act of Sir *John Hotham*, which is termed unparallel'd, and an high, and unheard of Affront unto His Majeſty, and as if we needed not to have done it, he being able, as is alledged, to produce no ſuch Commands of the Houſes of Parliament.

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Altho Sir *John Hotham* had not an Order that did expreſs every Circumſtance of that Caſe, yet he might have produced an Order of both Houſes, which did comprehend this Caſe, not only in the clear Intention, but in the very words thereof; which knowing in our Conſciences to be ſo, and to be moſt neceſſary for the Safety of the Kingdom, we could not but in Honour and Juſtice avow that Act of his, which we are confident will appear to the World to be ſo far from being an Affront to the King, that it will be found to have been an Act of great Loyalty to His Majeſty and to his Kingdom.

The next Charge upon us is, That inſtead of giving His Majeſty Satisfaction, we publiſhed a Declaration concerning that Buſineſs, as an Appeal to the People, and as if our Intercourſe with His Majeſty, and for his Satisfaction, were now to no more purpoſe; which courſe is alledged to be very unagreeable to the Modeſty and Duty of former times, and not warrantable by any Precedents, but what our ſelves have made.

If the Penner of this Meſſage had expected a while, or had not expected that two Houſes of Parliament (eſpecially burthened, as they are at this time, with ſo many preſſing and urgent Affairs) ſhould have moved as faſt as himſelf, he would not have ſaid that Declaration was inſtead of an Anſwer to his Majeſty, which we did diſpatch with all the ſpeed and diligence we could, and have ſent it to his Majeſty by a Committee of both Houſes, whereby it appears, that we did it not upon that ground, that we thought it was no more to any purpoſe to endeavour to give his Majeſty Satisfaction.

And as for the Duty and Modeſty of former times from which we are ſaid to have varied, and to want the Warrant of any Precedents therein, but what our ſelves have made. If we have made any Precedents this Parliament, we have made them for Poſterity upon the ſame, or better grounds of Reaſon and Law than thoſe were upon which our Predeceſſors firſt made any Forms: and as ſome Precedents ought not to be Rules for us to follow; ſo none can be Limits to bound our Proceedings, which may, and muſt vary according to the different Condition of Times. And for this Particular of ſetting forth Declarations for the Satisfaction of the People, who have choſen and intruſted us with all that is deareſt to them, if there be no Example for it, it is becauſe there were never any ſuch Monſters before, that ever attempted to diſaffect the People from a Parliament, or could ever harbour a Thought that it might be effected. Were there ever ſuch Practices to poiſon the People with an ill Apprehenſion of the Parliament? Were there ever ſuch Imputations and Scandals laid upon the Proceedings of both Houſes? Were there ever ſo many and ſo great Breaches of Priviledg of Parliament? Were there ever ſo many and ſo deſperate Deſigns of Force and Violence againſt the Parliament and the Members thereof? If we have done more than ever our Anceſtors have done, we have ſuffered more than ever they have ſuffered; and yet in Point of Modeſty and Duty we ſhall not yield to the beſt of former times, and we ſhall put this in Iſſue, Whether the higheſt and moſt unwarrantable Proceedings of any of his Majeſty's Predeceſſors do not fall ſhort, and much below what hath been done to Us this Parliament? And on the other ſide, Whether, if we ſhould make the higheſt Precedents of other Parliaments our Patterns, there would be cauſe to complain of want of Modeſty and Duty in us, when we have not ſo much as ſuffered ſuch things to enter into our Thoughts, which all the World knows they have put in Act?

Another Charge which is laid very high upon us (and which were indeed a very great Crime, if we were found guilty thereof) is, that by avowing this Act of Sir *John Hotham*, we do in Conſequence confound and deſtroy the Title and Intereſt of all his Majeſty's good Subjects to their Lands and Goods, and that upon this ground his Majeſty hath the ſame Title to his own Town of *Hull*, which any of his Subjects have to their Houſes, or Lands; and the ſame to his Magazine and Munition there, that any Man hath to his Money, Plate or Jewels; and therefore that they ought not to have been diſpoſed of without, or againſt his Conſent, no more than the Houſe, Land, Money, Plate or Jewels of any Subject ought to be without, or againſt his Will.

Here that is laid down for a Principle, which would indeed pull up the very Foundation of the Liberty, Property and Intereſt of every Subject in particular, and of all the Subjects in general, if one ſhould admit it for a Truth, that his

his Majeſty hath the ſame Right and Title to his Towns, and to his Magazine, (bought with the Publick Monies, as we conceive that at *Hull* to have been) that every particular Man hath to his Houſe, Lands and Goods; for his Majeſty's Towns are no more his own, than his Kingdom is his own; and his Kingdom is no more his own, than his People are his own: And if the King had a Property in all his Towns, what would become of the Subjects Propriety in their Houſes therein? and if he had a Propriety in his Kingdom, what would become of the Subjects Property in their Lands throughout the Kingdom? or of their Liberties, if his Majeſty had the ſame Right in their Perſons, that every Subject hath in their Lands or Goods? And what ſhould become of all the Subjects Intereſt in the Towns and Forts of the Kingdom, and in the Kingdom it ſelf, if his Majeſty might ſell or give them away, or diſpoſe of them at his Pleaſure, as a particular Man may do with his Lands and with his Goods. *This Erroneous Maxim being infuſed into Princes, That their Kingdoms are their own, and that they may do with them what they will, (as if their Kingdoms were for them, and not they for their Kingdoms) is the Root of all the Subjects Miſery, and of all the invading of their juſt Rights and Liberties.* Whereas indeed they are only intruſted with their Kingdoms, and with their Towns, and with their People, and with the Publick Treaſure of the Common-Wealth, and whatſoever is bought therewith: And by the known Law of this Kingdom, the very Jewels of the Crown are not the King's proper Goods, but are only intruſted to him for the Uſe and Ornament thereof, as the Towns, Forts, Treaſure, Magazine, Offices, and the People of the Kingdom, and the whole Kingdom it ſelf is intruſted unto him, for the Good and Safety, and beſt Advantage thereof. And as this Truſt is for the Uſe of the Kingdom, ſo ought it to be managed by the Advice of the Houſes of Parliament, whom the Kingdom hath truſted for that purpoſe, it being their Duty to ſee it diſcharged, according to the Condition and true Intent thereof; and as much as in them lies, by all poſſible Means, to prevent the contrary: Which if it hath been their chief Care and only Aim, in the diſpoſing of the Town and Magazine of *Hull*, in ſuch manner as they have done, they hope it will appear clearly to all the World, that they have diſcharged their own Truſt, and not invaded that of his Majeſty's, much leſs his Property, which in this Caſe they could not do. 18 *Car.*

But admitting his Majeſty had indeed had a Property in the Town and Magazine of *Hull*, who doubts but that a Parliament may diſpoſe of any thing wherein his Majeſty or any Subject hath a Right, in ſuch a way, as that the Kingdom may not be expoſed to Hazard or Danger thereby; which is our caſe in the diſpoſing of the Town and Magazine of *Hull*. And whereas his Majeſty doth allow this, and a greater Power to a Parliament, but in that ſenſe only as he himſelf is a part thereof; we appeal to every Man's Conſcience, that hath obſerved our Proceedings, whether we disjoined his Majeſty from his Parliament, who have in all humble ways ſought his Concurrence with us, as in this Particular about *Hull*, and for the removal of the Magazine there, ſo alſo in all other things. Or whether theſe Evil Councils about him have not ſeparated him from his Parliament, not only in diſtance of Place, but alſo in the diſcharge of this joint-Truſt with them for the Peace and Safety of the Kingdom in this, and ſome other Particulars.

We have given no Occaſion to his Majeſty to declare his Reſolution with ſo much earneſtneſs, that he will not ſuffer either, or both Houſes by their Votes, without, or againſt his Conſent, to enjoin any thing that is forbidden by the Law, or to forbid any thing that is enjoin'd by the Law, for our Votes have done no ſuch thing: and as we ſhall be very tender of the Law, (which we acknowledg to be the Safeguard and Cuſtody of all Publick and Private Intereſts) ſo we ſhall never allow a few private Perſons about his Majeſty, *nor his Majeſty himſelf in his own Perſon, and out of his Courts, to be Judg of the Law*, and that contrary to the Judgment of the Higheſt Court of Judicature. In like manner, that his Majeſty hath not refuſed to conſent to any thing that might be for the Peace and Happineſs of the Kingdom, we cannot admit it in any other ſenſe, but as his Majeſty taketh the Meaſure of what will be for the Peace and Happineſs of the Kingdom, from ſome few ill-affected Perſons about him, contrary to the Advice and Judgment of this Great Council of Parliament; and becauſe the Advice of both Houſes of Parliament, hath, through the Suggeſtions of Evil Counſellors, been ſo much undervalued of late, and ſo abſolutely rejected and refuſed, we hold it fit to declare unto the Kingdom, (whoſe Honour and Intereſt is ſo much concerned in it)

An. 1642. what is the Priviledg of the Great Council of Parliament herein, and what is the Obligation that lieth upon the Kings of this Realm, to paſs ſuch Bills as are offered unto them by both Houſes of Parliament, in the Name, and for the Good of the whole Kingdom whereunto they ſtand engaged, both in Conſcience and in Juſtice, to give their Royal Aſſent. In Conſcience, in reſpect of the Oath that is or ought to be taken by the Kings of this Realm at their Coronation, as well to confirm, by their Royal Aſſent ſuch good Laws as their People ſhall chuſe, and to remedy by Law ſuch Inconveniences as the Kingdom may ſuffer, as to keep and protect the Laws already in being; as may appear, both by the Form of the Oath upon Record, and in Books of good Authority, and by the Statute of 25 *Edw.* 3. Intituled, *The Statute of Proviſors of Benefices.* The Form of which Oath, and the Clauſe of that Statute concerning it, are as followeth.

Rot. Parlam. H. 4. N. 17.

Forma Juramenti ſolitî & conſueti præſtari per Reges Angliæ in eorum Coronatione.

Servabis Eccleſiæ Dei, Cleroq; & Populo Pacem ex integro, & Concordiam in Deo ſecundum vires tuas?

Reſpondebit, *Servabo.*

Facies fieri in omnibus Judiciis tuis æquam & rectam Juſtitiam & Diſcretionem in Miſericordia & Veritate, ſecundum vires tuas?

Reſpondebit, *Faciam.*

Concedis juſtas Leges & Conſuetudines eſſe tenendas, & promittis per te eas eſſe Protegendas, & ad Honorem Dei corroborandas, quas vulgus elegerit, ſecundum vires tuas?

Reſpondebit, *Concedo & Promitto.*

Adjicianturq; prædictis Interrogationibus quæ Juſta fuerint, pronunciatiſq; omnibus confirmet Rex ſe omnia ſervaturum ſacramento ſuper Altare præſtito coram cunctis.

A Clauſe in the Preamble of a Statute made 25 *Edw.* 3. Intituled, *The Statute of Proviſors of Benefices.*

'Whereupon the ſaid Commons have prayed our ſaid Lord the King, That 'ſith the Right of the Crown of *England*, and the Law of the ſaid Realm is ſuch, 'that upon the Miſchiefs and Damages which happen to this Realm, he ought, 'and is bound by his Oath, with the Accord of his People in his Parliament 'thereof, to make Remedy and Law, and in removing the Miſchiefs and Damages 'which thereof enſue, that it may pleaſe him thereupon to ordain Remedy.

'Our Lord the King, ſeeing the Miſchiefs and Damages before-mentioned, and 'having regard to the Statute made in the Time of his ſaid Grand father, and to 'the Cauſes contained in the ſame, which Statute holdeth always his Force, and 'was never Defeated, Repealed, nor Adnulled in any Point, and by ſo much he 'is bounden by his Oath to cauſe the ſame to be kept as the Law of his Realm, 'though that by Sufferance and Negligence it hath been ſithence attempted to the 'contrary. Alſo having regard to the grievous Complaints made to him by his 'People in divers his Parliaments holden heretofore, willing to ordain Remedy 'for the great Damages and Miſchiefs which have happened, and daily do happen 'to the Church of *England* by the ſaid Cauſe.

Here the Lords and Commons claim it directly, as the Right of the Crown of *England*, and of the Law of the Land that the King is bound by his Oath, with the Accord of his People in Parliament, to make Remedy and Law upon the Miſchiefs and Damages which happen to this Realm; and the King doth not deny it, although he take occaſion, from a Statute formerly made by his Grandfather, which was laid as part of the Grounds of this Petition, to fix his Anſwer upon another Branch of his Oath, and pretermits that which is claimed by the Lords and Commons, which he would not have done if it might have been excepted againſt.

In

18 *Car.*

In Juſtice they are obliged thereunto, in reſpect of the Truſt repoſed in them, which is as well to preſerve the Kingdom by the making of new Laws, where there ſhall be need, as by obſerving of Laws already made; a Kingdom being many times as much expoſed to ruin for the want of a new Law, as by the violation of thoſe that are in being; and this is ſo clear a Right, that no doubt his Majeſty will acknowledg it to be as due unto his People, as his Protection. But how far forth he is obliged to follow the Judgment of his Parliament therein, that is the Queſtion. And certainly, beſides the words in the King's Oath, referring unto ſuch Laws as the People ſhall chuſe, as in ſuch things which concern the Publick Weal and Good of the Kingdom, they are the moſt proper Judges, who are ſent from the whole Kingdom for that very purpoſe; ſo we do not find, that ſince Laws have paſſed by way of Bills, (which are read thrice in both Houſes, and committed, and every Part and Circumſtance of them fully weighed and debated upon the Commitment, and afterward paſſed in both Houſes) that ever the Kings of this Realm did deny them, otherwiſe than is expreſſed in that uſual Anſwer, *Le Roy s'aviſera*, which ſignifies rather a Suſpenſion than a Refuſal of the Royal Aſſent. And in theſe other Laws which are framed by way of Petitions of Right, the Houſes of Parliament have taken themſelves to be ſo far Judges of the Rights claimed by them, that when the King's Anſwer hath not in every Point been fully according to their Deſire, they have ſtill inſiſted upon their Claim, and never reſted ſatisfied, till ſuch time as they had an Anſwer according to their Demand; as was done in the late Petition of Right, and in former Times upon the like Occaſion. And if the Parliament be Judg between the King and his People in the Queſtion of Right, (as by the manner of the Claim in Petitions of Right, and by Judgments in Parliament in Caſes of Illegal Impoſitions and Taxes, and the like, it appeareth to be) why ſhould they not be ſo alſo in the Queſtion of the Common Good, and Neceſſity of the Kingdom, wherein the Kingdom hath as clear a Right alſo to have the Benefit and Remedy of Law, as in any thing whatſoever? And yet we do not deny, but in Private Bills, and alſo in Publick Acts of Grace, as Pardons, and the like Grants of Favours, his Majeſty may have a greater Latitude of Granting or Denying, as he ſhall think fit.

All this conſider'd, we cannot but wonder, that the Contriver of this Meſſage ſhould conceive the People of this Land to be ſo void of common Senſe, as to enter into ſo deep a Miſtruſt of thoſe that they have, and his Majeſty ought to repoſe ſo great a Truſt in, as to deſpair of any Security in their private Eſtates, by Deſcents, Purchaſes, Aſſurances or Conveyances, unleſs his Majeſty ſhould by his Vote, prevent the Prejudice they might receive therein by the Votes of both Houſes of Parliament; as if they, who are eſpecially choſen and intruſted for that purpoſe, and who themſelves muſt needs have ſo great a ſhare in all Grievances of the Subject, had wholly caſt off all Care of the Subjects Good, and his Majeſty had ſolely taken it up; and as if it could be imagin'd, that they ſhould by their Votes overthrow the Rights of Deſcents Purchaſes, or of any Conveyance or Aſſurance, in whoſe Judgment the whole Kingdom hath placed all their particular Intereſts, if any of them ſhould be called in queſtion in any of thoſe Caſes, and that (as knowing not where to place them with greater ſecurity) without any Appeal from them to any other Perſon or Court whatſoever.

But indeed we are very much to ſeek how the Caſe of *Hull* ſhould concern Deſcents and Purchaſes, or Conveyances and Aſſurances, unleſs it be in procuring more ſecurity to Men in their private Intereſts, by the preſervation of the whole from Confuſion and Deſtruction; and much leſs do we underſtand how the Sovereign Power was reſiſted and deſpiſed therein. Certainly no Command from his Majeſty, and his High Court of Parliament (where the Sovereign Power reſides) was diſobeyed by Sir *John Hotham*; nor yet was his Majeſty's Authority derived out of any other Court, nor by any Legal Commiſſion, or by any other way wherein the Law hath appointed his Majeſty's Commands to be derived to his Subjects, and of what Validity his Verbal Commands are, without any ſuch ſtamp of his Authority upon them, and againſt the Order of both Houſes of Parliament; and whether the not ſubmitting thereunto be a reſiſting and deſpiſing of the Sovereign Authority, we leave it to all Men to judg, that do at all underſtand the Government of this Kingdom.

We

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We acknowledg that his Majeſty hath made many Expreſſions of his Zeal and Intentions againſt the deſperate Deſigns of Papiſts; but yet it is alſo true, that the Councils which have prevailed of late with him, have been little ſuitable to thoſe Expreſſions and Intentions: for what doth more advance the open and bloody Deſign of the Papiſts in *Ireland* (whereon the ſecret Plots of the Papiſts here do in all likelihood depend) than his Majeſty's abſenting himſelf in that manner that he doth from his Parliament, and ſetting forth ſuch ſharp Invectives againſt them, notwithſtanding the humble Petitions, and other Means which his Parliament hath addreſſed unto him for his Return, and for his Satisfaction concerning their Proceedings? And what was more likely to give a Riſe to the Deſigns of Papiſts, (whereof there are ſo many in the North, near to the Town of *Hull*) and of other malignant and ill-affected Perſons, (which are ready to join with them) or to the Attempts of Foreigners from abroad, than the continuing of that great Magazine at *Hull* at this time, and contrary to the Deſire and Advice of both Houſes of Parliament? So that we have too much cauſe to believe that the Papiſts have ſtill ſome way and means whereby they have Influence upon his Majeſty's Counſels for their own Advantage.

For the Malignant Party his Majeſty needeth not a Definition of the Law, nor yet a more full Character of them from both Houſes of Parliament for to find them out, if he will pleaſe only to apply the Character that himſelf hath made of them to thoſe unto whom it doth properly and truly belong. Who are ſo much diſaffected to the Peace of the Kingdom, as they that endeavour to diſaffect his Majeſty from the Houſes of Parliament, and perſwade him to be at ſuch a Diſtance from them, both in Place and Affection? Who are more diſaffected to the Government of the Kingdom, than ſuch as lead his Majeſty away from hearkening to his Parliament, which by the Conſtitution of this Kingdom is his greateſt and beſt Council, and perſwade him to follow the malicious Counſels of ſome private Men, in oppoſing and contradicting the wholſom Advices and juſt Proceedings of that his moſt faithful Council and higheſt Court? Who are they that not only neglect and deſpiſe, but labour to undermine the Law under colour of maintaining of it, but they that endeavour to deſtroy the Fountain and Conſervatory of the Law, which is the Parliament? And who are they that ſet up Rules for themſelves to walk by, other than ſuch as are appointed by Law, but they that will make other Judges of the Law than the Law hath appointed, and ſo diſpenſe with their Obedience to that which the Law calleth Authority, and to their Determinations and Reſolutions to whom the Judgment doth appertain by Law? For when private Perſons ſhall make the Law to be their Rule, according to their own Underſtanding, contrary to the Judgment of thoſe who are the competent Judges thereof, they ſet up unto themſelves other Rules than the Law doth acknowledg: who theſe Perſons are none knoweth better than his Majeſty himſelf; and if he pleaſe to take all poſſible Caution of them, as deſtructive to the Common-wealth, and Himſelf, and would remove them from about him, it would be the moſt effectual Means to compoſe all the Diſtractions, and to cure the Diſtempers of this Kingdom.

For the Lord *Digby*'s Letter, we did not make mention of it as a Ground to hinder his Majeſty from viſiting his own Fort; but we appeal to the Judgment of any indifferent Man that ſhall read that Letter, and compare it with the Poſture that his Majeſty then did, and ſtill doth ſtand in toward the Parliament, and with the Circumſtances of that late Action of his Majeſty in going to *Hull*, whether the Adviſers of that Journy intended only a Viſit of that Fort and Magazine? As to the Ways and Overtures of Accommodation, and the Meſſage of the 20*th* of *January* laſt, ſo often preſſed, but ſtill in vain, as is alledged: Our Anſwer is, That altho ſo often as the Meſſage of the 20*th* of *January* hath been preſſed, ſo often have our Priviledges been clearly infringed, that a way and method of proceeding ſhould be preſcribed unto us, as well for the ſetling of his Majeſty's Revenue, as for the preſenting of our own Deſires, (a thing which in former Parliaments hath always been excepted againſt, as a Breach of Priviledg) yet in reſpect to the Matter contained in that Meſſage, and out of our earneſt Deſire to beget a good Underſtanding between his Majeſty and Us, we ſwallowed down all Matters of Circumſtance, and had e're this time preſented the chief of our Deſires to his Majeſty, had we not been interrupted

with

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with continual Denials, even of thoſe things that were neceſſary for our preſent Security and Subſiſtence; and had not thoſe Denials been followed with perpetual Invectives againſt Us, and our Proceedings; and had not thoſe Invectives been heaped upon us ſo thick one after another, (who were already in a manner wholly taken up with the preſſing Affairs of this Kingdom, and of the Kingdom of *Ireland*) that as we had little Encouragement from thence to hope of any good Anſwers to our Deſires, ſo we had not ſo much time left us to perfect them in ſuch a manner as to offer them unto his Majeſty.

We confeſs it is a Reſolution moſt worthy of a Prince, and of his Majeſty to ſhut his Ears againſt any that would incline him to a Civil War, and to abhor the very Apprehenſion of it; but we cannot believe that Mind to have been in them that came with his Majeſty to the Houſe of Commons, or in them that accompanied his Majeſty to *Hampton-Court*, and appeared in a Warlike manner at *Kingſton* upon *Thames*; or in divers of them that followed his Majeſty now lately to *Hull*; or in them that after drew their Swords at *York*, demanding who would be for the King; nor in them that adviſed his Majeſty to declare Sir *John Hotham* a Traitor, before the Meſſage was ſent concerning that Buſineſs to the Parliament; or to make Propoſitions to the Gentlemen of the County of *York*, to aſſiſt his Majeſty to proceed againſt him in a way of Force, before he had or poſſibly could receive an Anſwer from the Parliament, to whom he had ſent to demand Juſtice of them againſt Sir *John Hotham* for that Fact; and if thoſe malignant Spirits ſhall ever force us to defend our Religion, the Kingdom, the Priviledges of Parliament, and the Rights and Liberties of the Subjects with our Swords, the Blood and Deſtruction that ſhall enſue thereupon muſt be wholly caſt upon their account, God and our Conſciences tell us, that we are clear, and we doubt not but God, and the whole World will clear us therein.

For Captain *Leg*, we did not ſay that he was accuſed, or that there was any Charge againſt him for the bringing up of the Army, but that he was employed in that Buſineſs. And for that concerning the Earl of *Newcaſtle*, mentioned by his Majeſty, which is ſaid to have been asked long ſince, and that it is not eaſy to be anſwered; we conceive, that it is a Queſtion of more difficulty, and harder to be anſwered, why, when his Majeſty held it neceſſary, upon the ſame Grounds that firſt moved from the Houſes of Parliament, that a Governour ſhould be placed in that Town; Sir *John Hotham*, a Gentleman of known Fortune and Integrity, and a Perſon of whom both Houſes of Parliament had expreſſed their Confidence, ſhould be refuſed by his Majeſty and the Earl of *Newcaſtle*, (who by the way was ſo far named in the Buſineſs of bringing up the Army, that altho there was not Ground enough for a judicial Proceeding, yet there was ground of Suſpicion, at leaſt his Reputation was not left ſo unblemiſhed thereby, as that he ſhould be thought the fitteſt Man in *England* for that Employment of *Hull*) ſhould be ſent down in a private way from his Majeſty to take upon him that Government, and why he ſhould diſguiſe himſelf under another Name, when he came thither, as he did. But whoſoever ſhall conſider together with theſe Circumſtances, that of the time when Sir *John Hotham* was firſt appointed by both Houſes of Parliament to take upon him that Employment, which was preſently after his Majeſty's coming to the Houſe of Commons, and upon the retiring of himſelf to *Hampton-Court*, and the Lord *Digby*'s aſſembling of Cavaliers at *Kingſton* upon *Thames*, will find Reaſon enough why that Town of *Hull* ſhould be committed rather to Sir *John Hotham* by the Authority of both Houſes of Parliament, than to the Earl of *Newcaſtle*, ſent from his Majeſty in that manner as he was. And for the Power that Sir *John Hotham* hath from the Houſes of Parliament, the better it is known and underſtood, we are confident the more it will be approved of, and juſtified: and as we do not conceive that his Majeſty's Refuſal to have that Magazine removed, could give any advantage againſt him to have it taken from him, and as no ſuch thing is done; ſo we cannot conceive for what other Reaſon any ſhould counſel his Majeſty not to ſuffer it to be removed upon the Deſire of both Houſes of Parliament, except it be that they had an Intention to make uſe of it againſt them.

We did not except againſt thoſe that preſented a Petition to his Majeſty at *York*, for the continuance of the Magazine at *Hull*, in reſpect of their Conditions, or in reſpect of their Number, becauſe they were mean Perſons, or becauſe

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cauſe they were few; but becauſe they being but a few, and there being ſo many more in the County of as good Quality as themſelves, (who have by their Petition to his Majeſty diſavowed that Act of theirs) that they ſhould take upon them the Stile of all the Gentry and Inhabitants of that County, and under that Title ſhould preſume to interpoſe their Advice contrary to the Votes of both Houſes of Parliament; and if it can be made ſo appear, that any of theſe Petitions, that are ſaid to have been preſented to the Houſes of Parliament, and to have been of a ſtrange Nature, were of ſuch a Nature as that, we are confident that they were never received with our Conſent and Approbation.

Whether there was an Intention to deprive Sir *John Hotham* of his Life, if his Majeſty had been admitted into *Hull*, and whether the Information were ſuch as that he had ground to believe it, we will not bring it into queſtion; for that was not, nor ought to have been the ground for doing what he did; neither was the number of his Majeſty's Attendants, for being more or fewer, much conſiderable in this caſe: for altho it be true, that if his Majeſty had entred with twenty Horſe only, he might haply have found means to have forced the Entrance of the reſt of his Train, who being once in the Town, would not have been long without Arms, yet that was not the Ground that Sir *John Hotham* was to proceed upon, but upon the Admittance of the King into the Town at all, ſo as to deliver up the Town and Magazine unto him, and to whomſoever he ſhould give the Command thereof, without the Knowledg and Conſent of both Houſes of Parliament by whom he was intruſted to the contrary. And his Majeſty having declared that to be his Intention concerning the Town, in a Meſſage that he ſent to the Parliament not long before he went to *Hull*, ſaying, that he did not doubt but that Town ſhould be delivered up to him whenſoever he pleaſed, as ſuppoſing it to be kept againſt him; and in like manner concerning the Magazine in his Meſſage of the 24*th* of *April*, wherein it is expreſſed, that his Majeſty went thither with a purpoſe to take into his Hands the Magazine, and to diſpoſe of it in ſuch manner as he ſhould think fit: upon theſe Terms Sir *John Hotham* could not have admitted his Majeſty, and have made good his Truſt to the Parliament, tho his Majeſty would have enter'd alone, without any Attendance at all of his own, or of the Prince or Duke, his Sons, which we do not wiſh to be leſs than they are in their number, but could heartily wiſh that they were generally better in their Conditions.

In the cloſe of this Meſſage his Majeſty ſtates the Caſe of *Hull*, and there upon inferreth, That the Act of Sir *John Hotham* was levying of War againſt the King, and conſequently, that it was no leſs than High-Treaſon by the Letter of the Statute of 25 *Ed.* 3. *cap.* 2. unleſs the ſenſe of that Statute be very far differing from the Letter thereof.

In the ſtating of this Caſe divers Particulars may be obſerved, wherein it is not rightly ſtated. As,

1. That his Majeſty's going to *Hull* was only an Endeavour to viſit a Town and Fort of his, whereas it was indeed to poſſeſs himſelf of the Town and Magazine there, and to diſpoſe of them as he himſelf ſhould think good, without, and contrary to the Advice and Orders of both Houſes of Parliament, as doth clearly appear by his Majeſty's own Declaration of his Intention therein, by his Meſſages to both Houſes immediatly before, and after that Journey. Nor can we believe that any Man that ſhall conſider the Circumſtances of that Journey to *Hull*, can think that his Majeſty would have gone thither at that time, and in that Poſture, that he was pleaſed to put himſelf in toward the Parliament, if he had intended only a Viſit of the Town and Magazine.

2. It is ſaid to be his Majeſty's own Town and his own Magazine; which being underſtood in that ſenſe as was before expreſſed, as if his Majeſty had a private Intereſt of Propriety therein, we cannot admit it to be ſo.

3. Which is the main Point of all, Sir *John Hotham* is ſaid to have ſhut the Gates againſt his Majeſty, and to have made Reſiſtance with Armed Men, in defiance of his Majeſty: whereas it was indeed in Obedience to his Majeſty and his Authority, and for his Service, and the Service of the Kingdom, for which uſe only all that Intereſt is that the King hath in the Town; and it is no farther

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his to diſpoſe of, than he uſeth it for that End. And Sir *John Hotham* being commanded to keep the Town and Magazine for his Majeſty and the Kingdom, and not to deliver them up but by his Majeſty's Authority, ſignified by both Houſes of Parliament, all that is to be underſtood by thoſe Expreſſions of his denying and oppoſing his Majeſty's Entrance, and telling him, in plain Terms, he ſhould not come in, was only this; That he humbly deſired his Majeſty to forbear his Entrance, till he might acquaint the Parliament, and that his Authority might come ſignified to him by both Houſes of Parliament, according to the Truſt repoſed in him. And certainly, if the Letter of the Statute of 25 *Edw.* 3. *Cap.* 2. be thought to import this, That no War can be levied againſt the King, but what is directed and intended againſt his Perſon; or that every levying of Forces, for the Defence of the King's Authority and his Kingdom, againſt the Perſonal Commands of the King oppoſed thereunto, tho accompanied with his Preſence, is levying War againſt the King, it is very far from the Senſe of that Statute; and ſo much the Statute it ſelf ſpeaks, (beſides the Authority of Book-Caſes, Precedents of divers Traitors condemned upon that Interpretation thereof): For if the Clauſe of Levying of War had been meant only againſt the King's Perſon, what need had there been thereof, after the other Branch of Treaſon in the ſame Statute, of compaſſing the King's Death, which would neceſſarily have implied this? And becauſe the former Clauſe doth imply this, it ſeems not at all to be intended in this latter Branch, but only the levying of War againſt the King, that is, againſt his Laws and Authority: And the levying of War againſt his Laws and Authority, though not againſt his Perſon, is levying War againſt the King; but the levying Force againſt his Perſonal Commands, though accompanied with his Preſence, and not againſt his Laws and Authority, but in the Maintenance thereof, is no levying War againſt the King, but for him. Here is then our Caſe; in a time of ſo many ſucceſſive Plots and Deſigns of Force againſt the Parliament and Kingdom, in a Time of probable Invaſion from Abroad, and that to begin at *Hull*, to take opportunity of ſeizing upon ſo great a Magazine there, in a time of ſo great Diſtance and Alienation of his Majeſties Affections from his Parliament, and in them from his Kingdom, which they repreſent, by the wicked Suggeſtions of a few Malignant Perſons, by whoſe miſchievous Counſels he is wholly led away from his Parliament, and their faithful Advice and Counſels. In ſuch a Time the Lords and Commons in Parliament commanded Sir *John Hotham* to draw in ſome of the Trained Bands of the Parts adjacent to the Town of *Hull*, for the ſecuring of that Town and Magazine for the Service of his Majeſty and of the Kingdom, of the Safety whereof there is a higher Truſt repoſed in them than any where elſe, and they are the proper Judges of the Danger thereof.

This Town and Magazine being intruſted to Sir *John Hotham*, with expreſs Orders not to deliver them up, but by the King's Authority, ſignified by both Houſes of Parliament, his Majeſty, contrary to the Advice and Direction of both Houſes of Parliament, without the Authority of any Court, or of any Legal Way wherein the Law appoints the King to ſpeak and command, accompanied with the ſame Evil Counſels about him that he had before, by a Verbal Command, requires Sir *John Hotham* to admit him into the Town, that he might diſpoſe of it, and of the Magazine there, according to his own, or rather according to the Pleaſure of thoſe Evil Counſellors who are ſtill in ſo much Credit about him; in like manner as the Lord *Digby* hath continual recourſe unto, and Countenance from the Queen's Majeſty in *Holland*, by which means he hath opportunity ſtill to communicate his Traiterous Suggeſtions and Conceptions to both their Majeſties, ſuch as thoſe were concerning his Majeſty's retiring to a Place of Strength, and declaring himſelf, and his own advancing of his Majeſty's Service in ſuch a way beyond the Seas, and after that reſorting to his Majeſty in ſuch a Place of Strength, and divers other Things of that Nature, contained in his Letter to the Queen's Majeſty, and to Sir *Lewis Dives*, a Perſon that had not the leaſt part in this late Buſineſs of *Hull*, and was preſently diſpatch'd away into *Holland*, ſoon after his Majeſty's return from *Hull*, for what purpoſe we leave the World to judg.

Upon the Refuſal of Sir *John Hotham* to admit his Majeſty into *Hull*, preſently, without any due Proceſs of Law, before his Majeſty had ſent up the Narration of his Fact to the Parliament, he was proclaimed Traitor: And yet it is ſaid,

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that therein is no Violation of the Subjects Right, nor any Breach of the Law, nor of the Priviledg of Parliament, though Sir *John Hotham* be a Member of the Houſe of Commons, and that his Majeſty muſt have better Reaſon than bare Votes to believe the contrary; although the Votes of the Lords and Commons in Parliament, being the Great Council of the Kingdom, are the Reaſon of the King and Kingdom; yet their Votes do not want clear and apparent Reaſon for them: for if the ſolemn proclaiming a Man a Traitor ſignify any thing, it puts a Man, and all thoſe that any way Aid, Aſſiſt, or Adhere unto him, into the ſame condition of Traitors, and draws upon him all the Conſequences of Treaſon: And if this may be done by Law, without due Proceſs of Law, the Subject hath a very poor defence of the Law, and a very ſmall, if any proportion of Liberty thereby; and it is as little Satisfaction to a Man that ſhall be expoſed to ſuch Penalties, by that Declaration of him to be a Traitor, to ſay he ſhall have a Legal Trial afterwards, as it is to condemn a Man firſt, and try him afterward.

And if there can be any Neceſſity for any ſuch proclaiming a Man a Traitor, without due Proceſs of Law; yet there was none in this Caſe, for his Majeſty might have as well expected the Judgment of Parliament, (which was the right way) as he had leaſure to ſend to them to demand Juſtice againſt Sir *John Hotham*. And the Breach of Priviledg of Parliament is as clear in this Caſe, as the ſubverſion of the Subjects Common Right; for though the Priviledges of Parliament do not extend to thoſe Caſes mentioned in the Declaration, of Treaſon, Felony, and Breach of the Peace, ſo as to exempt the Members of Parliament from Puniſhment, nor from all manner of Proceſs and Trial, as it doth in other Caſes, yet it doth priviledg them in the Way and Method of their Trial and Puniſhment: and that the Parliament ſhould have the Cauſe firſt brought before them, that they may judg of the Fact, and of the Grounds of the Accuſation, and how far forth the manner of their Trial may concern, or not concern the Priviledg of Parliament; otherwiſe it would be in the Power, not only of his Majeſty, but of every private Man, under Pretenſions of Treaſon, or thoſe other Crimes, to take any Man from his Service in Parliament, and ſo as many, one after another, as he pleaſeth; and conſequently to make a Parliament what he will, and when he will; which would be a Breach of ſo eſſential a Priviledg of Parliament, as that the very Being thereof depends upon it: And therefore we no ways doubt, but every one that hath taken the Proteſtation, will, according to his Solemn Vow and Oath, defend it with his Life and Fortune. Neither doth the Sitting of a Parliament ſuſpend all, or any Law, in maintaining that Law, which upholds the Priviledg of Parliament, which upholds the Parliament, which upholds the Kingdom. And we are ſo far from believing, that his Majeſty is the only Perſon againſt whom Treaſon cannot be committed, that in ſome ſenſe we acknowledg he is the only Perſon againſt whom it can be committed, that is, as he is King; and that Treaſon which is againſt the Kingdom, is more againſt the King, than that which is againſt his Perſon, becauſe he is King; for that very Treaſon is not Treaſon, as it is againſt him as a Man, but as a Man that is a King, and as he hath Relation to the Kingdom, and ſtands as a Perſon intruſted with the Kingdom, and diſcharging that Truſt.

Now the Caſe is truly ſtated, and all the World may judg where the Fault is; although we muſt avow, that there can be no competent Judg of this, or any the like Caſe, but a Parliament; and we are as confident, that his Majeſty ſhall never have cauſe to reſort to any other Court, or Courſe, for the vindication of his juſt Priviledges, and for the Recovery and Maintenance of his known and undoubted Rights, if there ſhould be any Invaſion or Violation thereof, than to his High Court of Parliament. And in caſe thoſe wicked Counſellors about him ſhall drive him into any Courſe from and againſt his Parliament, whatever are his Majeſty's Expreſſions and Intentions, we ſhall appeal to all Mens Conſciences, and deſire that they would lay their Hands upon their Hearts, and think with themſelves, whether ſuch Perſons as have of late, and ſtill do reſort to his Majeſty, and have his Ear and Favour moſt, either have been, or are more zealous Aſſertors of the true Proteſtant Profeſſion, (although we believe they are more earneſt in the Proteſtant Profeſſion, than in the Proteſtant Religion) or of the Laws of the Land, the Liberty of the Subject, and the Priviledges of Parliament, than the Members of both Houſes of Parliament, who are inſinuated to be the Deſerters, if not Deſtroyers of them? and whether if they could

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maſter this Parliament by Force, they would not hold up the ſame Power to deprive us of all Parliaments, which are the Ground and Pillar of the Subjects Liberty, and that which only maketh *England* a free Monarchy.

For the Order of Aſſiſtance to the Committees of both Houſes, as they have no Directions or Inſtructions but what have the Law for their Limits, and the Safety of the Land for their Ends; ſo we doubt not but all Perſons mentioned in that Order, and all his Majeſty's good Subjects will yield Obedience to his Majeſty's Authority, ſignified therein by both Houſes of Parliament. And that all Men may the better know their Duty in Matters of that nature, and upon how ſure a Ground they go that follow the Judgment of Parliament for their Guide, we wiſh them judiciouſly to conſider the true meaning and ground of that Statute made in the 11*th* Year of *H.* 7. *cap.* 1. which is printed at large in the end of his Majeſty's Meſſage of the 4*th* of *May*. This Statute provides, That none that ſhall attend upon the King, and do him true Service, ſhall be attainted, or forfeit any thing. What was the ſcope of this Statute? To provide, that Men ſhould not ſuffer as Traitors for ſerving the King in his Wars, according to the Duty of their Allegiance: if this had been all, it had been a very needleſs and ridiculous Statute. Was it then intended (as they may ſeem to take the meaning of it to be, that cauſed it to be printed after his Majeſty's Meſſage) that they ſhould be free from all Crime and Penalty that ſhould follow the King, and ſerve him in War, in any caſe whatſoever, whether it were for or againſt the Kingdom, and the Laws thereof? That cannot be, for that could not ſtand with the Duty of their Allegiance, which in the beginning of this Statute is expreſſed to be to ſerve the King for the time being in his Wars, *for the Defence of Him and the Land*; and therefore if it be againſt the Land (as it cannot be underſtood to be otherwiſe, if it be againſt the Parliament, the Repreſentative Body of the Kingdom) it is a declinnig from the Duty of Allegiance, which this Statute ſuppoſerh may be done, tho Men ſhould follow the King's Perſon in the War; otherwiſe there had been no need of ſuch a Proviſo in the end of this Statute, that none ſhould take benefit thereby that ſhould decline from their Allegiance. That therefore which is the principal Verb in this Statute is, The ſerving of the King for the time being, which cannot be meant of a *Perkin Warbeck*, or any that ſhould call himſelf King; but ſuch a one, as, whatever his Title might prove, either in himſelf or in his Anceſtors, ſhould be received and acknowledged for ſuch by the Kingdom, the Conſent wherof cannot be diſcerned but by Parliament, the Act whereof is the Act of the whole Kingdom, by the perſonal Suffrage of the Peers, and the delegate Conſent of all the Commons of *England*.

And *Henry* the 7*th*, a wiſe King, conſidering that what was the Caſe of *Richard* the 3*d* his Predeceſſor, might, by chance of Battel, be his own, and that he might at once by ſuch a Statute as this, ſatisfy ſuch as had ſerved his Predeceſſor in his Wars, and alſo ſecure thoſe that ſhould ſerve him, who might otherwiſe fear to ſerve him in the War; leſt by chance of Battel that might happen to him alſo (if a Duke of *York* had ſet up a Title againſt him) which had happened to his Predeceſſor, he procured this Statute to be made, That no Man ſhould be accounted a Traitor for ſerving the King in his Wars for the time being, that is, which was for the preſent allowed and received by the Parliament in behalf of the Kingdom, and as it is truly ſuggeſted in the Preamble of the Statute: It is not agreeable to Reaſon or Conſcience, that it ſhould be otherwiſe, ſeeing Men ſhould be put upon an impoſſibility of knowing their Duty, if the Judgment of the higheſt Court ſhould not be a Rule and Guide to them. And if the Judgment thereof ſhould be followed, where the Queſtion is, who is King? much more, what is the beſt Service of the King and Kingdom? And therefore thoſe that ſhall guide themſelves by the Judgment of Parliament, ought, whatever happen, to be ſecure and free from all Account and Penalties, upon the Grounds and Equity of this very Statute.

We ſhall conclude, That altho thoſe wicked Counſellors about his Majeſty have preſumed, under his Majeſty's Name, to put that Diſhonour and Affront upon both Houſes of Parliament, as to make them the Countenancers of Treaſon, enough to have diſſolved all the Bands and Sinews of Confidence between his Majeſty and the Parliament, (of whom the Maxim of the Law is, That a diſhonourable thing ought not to be imagined of them) yet we

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doubt not but it ſhall in the end appear to all the World, that our Endeavours have been moſt hearty and ſincere, for the Maintenance of the true Proteſtant Religion, the King's juſt Prerogatives, the Laws and Liberties of the Land, and the Priviledges of Parliament; in which Endeavours, by the Grace of God, we will ſtill perſiſt, tho we ſhould periſh in the Work; which if it ſhould be, it is much to be feared, that Religion, Laws, Liberties and Parliaments would not be long-liv'd after us.

His Majeſty's Anſwer to a Printed Book, intituled,

A Remonſtrance; or the Declaration of the Lords and Commons now aſſembled in Parliament, the 26th *of* May, 1642, *in Anſwer to a Declaration under his Majeſty's Name, concerning the buſineſs of* Hull.

The King's Anſwer to the Remonſtrance touching *Hull*.

THough whoſoever looks over the late Remonſtrance, entituled, *A Declaration of the Lords and Commons of the* 26th *of* May, will not think we have much Reaſon to be pleaſed with it, yet we cannot but commend the plain Dealing and Ingenuity of the Framers and Contrivers of that Declaration, which hath been wrought in a hotter and quicker Forge than any of the reſt, who would no longer ſuffer us to be affronted by being told, they would make us a great and glorious King, whilſt they uſed all poſſible Skill to reduce us to extream Want and Indigency; and that they would make us to be loved at home and feared abroad, whilſt they endeavoured by all poſſible ways to render us odious to our good Subjects, and contemptible to all Foreign Princes; but like round-dealing Men, tell in plain Engliſh, that they have done us no Wrong, becauſe we are not capable of receiving any; and that they have taken nothing from us, becauſe we had never any thing of our own to loſe. If this Doctrine be true, and that indeed we ought to be of no other Conſideration than they have informed our People in that Declaration, that Gentleman is much more excuſable, that ſaid publickly (unreproved) that the Happineſs of this Kingdom doth not depend on Us, or upon any of the Royal Branches of that Root; and the other, who ſaid We were not worthy to be King of *England*; Language very monſtrous to be allowed by either Houſe of Parliament, and of which, by the help of God and the Law, we muſt have ſome Examination: But we doubt not all our good Subjects do now plainly diſcern, through the Mask and Vizard of their Hypocriſy, what their Deſign is, and will no more look upon the Framers and Contrivers of that Declaration, as upon both Houſes of Parliament (whoſe Freedom and juſt Priviledges we will always maintain, and in whoſe behalf we are as much concerned as for our ſelf) but as a Faction of malignant, ſchiſmatical and ambitious Perſons, whoſe Deſign is, and always hath been to alter the whole Frame of Government, both of Church and State, and to ſubject both King and People to their own lawleſs Arbitrary Power and Government, of whoſe Perſons, and of whoſe Deſign we ſhall within a very ſhort time give our good Subjects and the World, a full, and we hope, a ſatisfactory Narration.

The Contrivers and Penners of that Declaration, of whom we would be only underſtood to ſpeak, when we mention any of their undutiful Acts againſt us, tell you that the great Affairs of this Kingdom, and the miſerable and bleeding Condition of the Kingdom of *Ireland*, will afford them little Leiſure to ſpend their time in Declarations, Anſwers and Replies. Indeed the miſerable and deplorable Condition of both Kingdoms would require ſomewhat elſe at their Hands: But we would gladly know how they have ſpent their time ſince their Receſs, now almoſt eight Months, but in Declarations, Remonſtrances and Invectives againſt Us and our Government, or in preparing Matter for them? Have we invited them to any ſuch expence of Time, by beginning Arguments of that nature? Their Leiſure or their Inclination is not as they pretend; and what is their printing and publiſhing their Petitions to us, their Declarations

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and Remonſtrances of us, their odious Votes and Reſolutions ſometimes of one, ſometimes of both Houſes, againſt us, never in this manner communicated before this Parliament, but an Appeal to the People? and in God's Name let them judg of the Perſons they have truſted.

Their firſt Quarrel is, as it is always (to let them into their frank Expreſſions to us and our Actions) againſt the *malignant Party*, whom they are pleaſed ſtill to call, and never to prove, to be our evil Counſellors: but indeed nothing is more evident by their whole Proceedings, than that by the *malignant Party*, they intend all the Members of both Houſes, who agree not with them in their Opinion. Hence have come their Diſtinction of good and bad Lords, of Perſons ill affected of the Houſe of Commons, who have been proſcribed, and their Names liſted and read in Tumults, and all the Perſons of the Kingdom who approve not of their Actions: ſo that, in truth, if they would be ingenuous, and name the Perſons they intend, who would be the Men upon whom that Imputation of Malignity would be caſt, but they who have ſtood ſtoutly and immutably for the Religion, Liberties, the Laws, for all publick Intereſts, ſo long as there was any to be ſtood for; they who have always been and are as zealous Profeſſors, and ſome of them as able and earneſt Defenders of the Proteſtant Doctrine againſt the Church of *Rome*, as any are; Who have often and earneſtly beſought us to conſent, that no indifferent and unneceſſary Ceremony might be preſſed upon weak and tender Conſciences, and that we would agree to a Bill for that purpoſe; They to whoſe Wiſdom, Courage and Counſel, the Kingdom oweth as much as it can to Subjects; and upon whoſe unblemiſhed Lives Envy it ſelf can lay no Imputation, nor endeavoured to lay any until their Vertues brought them to our Knowledg and Favour. Let the Contrivers of this Declaration be faithful to themſelves, and conſider all thoſe Perſons of both Houſes, whom they in their own Conſciences know to diſſent from them in the Matter and Language of that Declaration, and in all thoſe undutiful Actions of which we complain, and will they not be found in Honour, Fortune, Wiſdom, Reputation and Weight, if not in Number, much ſuperior to them? So much for the evil Counſellors. Now what is the evil Counſel it ſelf? Our coming from *London* (where we and many, whoſe Affections to us are very eminent, were in danger every day to be torn in pieces) to *York*, where We, and all ſuch who will put themſelves under our Protection, may live, we thank God, and the Loyalty and Affection of this good People, very ſecurely. Our not ſubmitting our ſelf abſolutely, and renouncing our own Underſtanding to the Votes and Reſolutions of the Contrivers of that Declaration, when they tell us they are above us, and may, by our own Authority, do with us what they pleaſe, and our not being contented that all our good Subjects Lives and Fortunes ſhall be diſpoſed of by their Votes, but by the known Law of the Land, this is the evil Counſel given and taken: and will not all Men believe there needs much Power and Skill of the malignant Party to infuſe this Counſel into us? And now apply the Argument the Contrivers of that Declaration make for themſelves: Is it probable or poſſible that ſuch Men whom we have mentioned, who muſt have ſo great a ſhare in the Miſery, ſhould take ſuch Pains in the procuring thereof, and ſpend ſo much time, and run ſo many hazards to make themſelves Slaves, and to ruin the free-Men of this Nation. We ſay, with a clear and upright Conſcience to God Almighty, whoſoever harbours the leaſt thought in his Breaſt of ruining or violating the publick Liberty or Religion of this Kingdom, or the juſt Freedom and Priviledg of Parliament, let him be accurſed; and he ſhall be no Counſellor of Ours that will not ſay *Amen*. For the Contrivers of that Declaration, we have not ſaid any thing which might imply any Inclination in them to be Slaves: that which we have charged them with, is invading the publick Liberty; and our Preſumption may be very ſtrong and vehement, that tho they have no mind to be Slaves, they are not unwilling to be Tyrants; What is Tyranny but to admit no Rule to govern by but their own Wills? and we know the Miſery of *Athens* was at the higheſt when it ſuffered under the thirty Tyrants.

If that Declaration had told us, as indeed it might, and as in Juſtice it ought to have done, that the Precedents of any of our Anceſtors did fall ſhort and much below what hath been done by us this Parliament in point of Grace and Favour to our People, we ſhould no otherwiſe have wondred at it, than

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than at ſuch a Truth in ſuch a Place: but when to juſtify their having done more than ever their Predeceſſors did, it tells our good Subjects (as moſt injuriouſly, moſt inſolently it doth) that the higheſt and moſt unwarrantable Precedents of any of our Predeceſſors do fall ſhort, and much below what hath been done to them this Parliament by us; We muſt confeſs our ſelf amazed, and not able to underſtand them: And We muſt tell thoſe ungrateful Men, who dare tell their King, that they may, without want of Modeſty and Duty, depoſe him; That the Condition of our Subjects, when, by whatſoever Accidents and Conjunctures of Time it was at worſt under our Power, unto which, by no Default of ours, they ſhall be ever again reduced, was, by many Degrees, more pleaſant and happy than that to which their furious Pretences of Reformation hath brought them; neither are we afraid of the higheſt Precedents of other Parliaments, which theſe Men boldly (our good Subjects will call it worſe) tell us, they might, without want of Modeſty and Duty, make their Patterns; if we had no other Security againſt thoſe Precedents, but their Modeſty and Duty, we were in a miſerable Condition, as all Perſons will be who depend upon them.

That Declaration will not allow our Inference, that by avowing the Act of Sir *John Hotham*, they do deſtroy the Title and Intereſt of all our Subjects to their Lands and Goods; but confeſſeth, if they were found guilty of that Charge, it were indeed a very great Crime; and do they not in this Declaration admit themſelves guilty of this very Crime? Do they not ſay, Who doubts but that a Parliament may diſpoſe of any thing, wherein We or our Subjects have a Right in ſuch a way, as that the Kingdom may not be in danger thereby? Do they not then call themſelves this Parliament, and challenge this Power without our Conſent? Do they not extend this Power to all Caſes, where the Neceſſity, or the Common Good of the Kingdom is concerned? And do they not arrogate unto themſelves alone the Judgment of this Danger, this Neceſſity, this Common Good of the Kingdom? What is it, if it be not to unſettle the Security of all Mens Eſtates, and to expoſe them to an Arbitrary Power of their own, if a Faction ſhall at any time, by Cunning, or Force, or Abſence, or Accident, prevail over a major Part of both Houſes, and pretend that they are Evil Counſellors, a Malignant Party about the King, by whom the Liberty and the Religion of the Kingdom are both in Danger? This they may do, they have done it; then they may take away, be it from the King or People, whatſoever they in their Judgments ſhall think fit: this is Lawful, they have declared it. So let the World judg whether we charge them unjuſtly, and whether they are not guilty of the Crime which themſelves confeſs, being proved, is a great One? And how ſafely we might commit the Power theſe People deſire into their Hands, who in all probability would be no ſooner poſſeſſed of it, than they would revive that Tragedy which Mr. *Hooker* relates of the *Anabaptiſts* in *Germany*; who talking of nothing but Faith, and of the true Fear of God, and that Riches and Honour were Vanity, At firſt, upon the great Opinion of their Humility, Zeal and Devotion, procured much Reverence and Eſtimation with the People: After finding how many Perſons they had enſnared with their Hypocriſy, they began to propoſe to themſelves to reform both the Eccleſiaſtical and Civil Government of the State: Then, becauſe poſſibly they might meet with ſome Oppoſition, they ſecretly entred into a League of Aſſociation. And ſhortly after, finding the Power they had got with the Credulous People, enriched themſelves with all kind of Spoil and Pillage, and juſtified it upon our Saviour's Promiſe, *The Meek ſhall inherit the Earth*; and declared, their Title was the ſame which the Righteous *Iſraelites* had unto the Goods of the Wicked *Egyptians*. This Story is worth the reading at large, and needs no Application.

But we muſt by no means ſay, that we have the ſame Title to our Town of *Hull*, and the Ammunition there, as any of our Subjects have to their Lands or Money; that is a Principle that pulls up the Foundation of the Liberty and Property of every Subject. Why, pray? Becauſe the King's Property in his Town, and in his Goods bought with the Publick Money, as they conceive our Magazine at *Hull* was, is inconſiſtent with the Subjects Property in their Lands, Goods and Liberty. Do theſe Men think, that as they aſſume a Power of declaring Law, and whatſoever contradicts that Declaration, breaks their Priviledges; ſo that they have a Power of declaring Senſe and Reaſon, and impoſing Logick-

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Syllogiſms on the Schools, as well as Law upon the People. Doth not all Mankind know, that ſeveral Men may have ſeveral Rights and Intereſts in the ſelf-ſame Houſe and Land, and yet neither deſtroy the other? Is not the Intereſt of the Lord Paramount, conſiſtent with that of the Meſne Lord, and his with that of the Tenant, and yet their Properties and Intereſts not at all confounded? And why may not We then have a full, lawful Intereſt and Property in our Town of *Hull*, and yet our Subjects have a Property in their Houſes too? But we cannot ſell, or give away at our Pleaſure, our Towns and Forts, as a private Man may do his Land or Goods. What then? Many Men may have no Authority to let or ſet their Leaſes, or ſell their Lands, have they therefore no Title to them, or Intereſt in them? May they be taken from them, becauſe they cannot ſell them? The Purpoſe of our Journey to *Hull*, was neither to ſell it, or give it away.

But for the Magazine, the Munition there that we bought with our own Money, we might ſurely have ſold that, lent, or given it away. No, we bought it with the Publick Money, and the proof is, They conceive it ſo; and upon this Conceit have voted, that it ſhall be taken from us. Excellent Juſtice! Suppoſe we had kept this Money by us, and not bought Arms with it; would they have taken it from us upon that Conceit? Nay, may they not, whereſoever this Mony is, (for through how many Hands ſoever it hath paſſed, it is the Publick Money ſtill, if it ever were) ſeize it, and take it from the Owners? But the Towns, Forts, Magazine and Kingdom is intruſted to us, and we are a Perſon truſted: We are ſo, God and the Law hath truſted us, and We have taken an Oath to diſcharge that Truſt, for the Good and Safety of our People. What Oaths they have taken We know not, unleſs thoſe which in this Violence they have manifeſtly and maliciouſly violated. May any thing be taken from a Man, becauſe he is truſted with it? Nay, may the Perſon himſelf take away the Thing he truſts when he will, and in what manner he will? The Law hath been otherwiſe, and we believe will be ſo held notwithſtanding their Declarations.

But this Truſt ought to be managed by their Advice, and the Kingdom hath truſted them for that purpoſe. Impoſſible that the ſame Truſt ſhould be *irrevocably committed to Us and our Heirs for ever*; and the ſame Truſt, and a Power above that Truſt, (for ſuch is the Power they pretend) be committed to others. Did not the People that ſent them, look upon them as a Body but temporary and diſſoluble at our Pleaſure? And can it be believed that they intended them for our Guardians and Comptrollers, in the managing of that Truſt which God and the Law hath granted to Us and our Poſterity for ever? What the Extent of their Commiſſion and Truſt is, nothing can better teach them than the Writ whereby they are met: We called them, and without that Call they could not have come together to be our Counſellors, not Commanders; for however they frequently confound them, the Offices are ſeveral, and Counſellors, not in all things, but in ſome things, *de quibuſdam arduis*, &c. they eaſily find amongſt their Precedents, that Queen *Elizabeth*, upon whoſe Time all good Men look with Reverence, committed one *Wentworth*, a Member of the Houſe of Commons, to the *Tower*, ſitting the Houſe, but for propoſing, that they might adviſe the Queen, in a Matter ſhe thought they had nothing to do to meddle in. But We are truſted; and are We the only Perſon truſted? And may they do what their own Inclination and Fury leads them to? Were not they truſted by Us, when We firſt ſent for them? And were they not truſted by Us, when we paſſed them our Promiſe that we would not diſſolve them? Can it be preſumed, and Preſumptions go far with them, that we truſted them with a Power to deſtroy us, and to diſſolve our Government and Authority? If the People might be allowed to make an equitable conſtruction of the Laws and Statutes, a Doctrine avowed by them, would not all our good Subjects ſwear, we never intended by that Act of Continuance, that they ſhould do what they have ſince done? Were they not truſted by thoſe that have ſent them? And were they truſted to alter the Government of Church and State, and to make themſelves perpetual Dictators over the King and People? Did they intend that the Law it ſelf ſhould be ſubject to their Votes? and that whatſoever they ſay or do, ſhould be lawful, becauſe they declare it ſo? The Oaths which they have taken who ſent them, and without taking which themſelves are not capable of their Place in Parliament,

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An. 1642. makes the one uncapable of giving, and the other of receiving ſuch a Truſt, unleſs they can perſwade our good Subjects that we are the only Supream Head and Governour of all Cauſes, and over all Perſons within our Dominions, and yet that they have a Power over us to conſtrain us to manage our Truſt, and govern our Power according to their Diſcretion.

The Contrivers of that Declaration tell us, that they will never allow us (an humble and dutiful Expreſſion) to be Judg of the Law, that belongs only to them, they may and muſt judg and declare. We all know what Power the Pope, under the pretence of interpreting Scriptures, and declaring Articles of Faith, though he decline the making the one or the other, hath uſurped over Mens Conſciences, and that under colour of having Power of ordering all things for the Good of Mens Souls, he entitles himſelf to all the Kingdoms in the World. We will not accuſe the Framers of this Declaration, how bold ſoever they are with Us, that they incline to Popery; of which another Maxim is, That we muſt ſubmit our Reaſon and Underſtanding, and the Scripture it ſelf, to that declaring Power of his: Neither will we tell them, though they have told us ſo, that they uſe the very Language of the Rebels of *Ireland*; and yet they ſay thoſe Rebels declare, That whatſoever they do, is for the Good of the King and Kingdom; but our good Subjects will eaſily put the Caſe to themſelves, Whether if the Papiſts in *Ireland* in truth were, or by Act or Accident had made themſelves the major part of both Houſes of Parliament there, and had pretended the Truſt in that Declaration from the Kingdom of *Ireland*, and thereupon had voted their Religion and Liberty to be in danger of Extirpation from a malignant Party of Proteſtants and Puritans; and therefore that they ſhould put themſelves into a poſture of Defence, that the Forts and Militia of that Kingdom were to be put into the Hands of ſuch Perſons as they could confide in; that we were indeed truſted with the Towns, Forts, Magazines, Treaſures, Offices, and People of the Kingdom, for the Good, and Safety, and beſt Advantage thereof; but as this Truſt is for the Uſe of the Kingdom, ſo it ought to be managed by the Advice of both Houſes of Parliament, whom the Kingdom had truſted for that purpoſe, it being their Duty to ſee it diſcharged, according to the Condition and true Intent thereof, and by all poſſible means to prevent the contrary: We ſay, Let all our good Subjects conſider, if that Rebellion had been plotted with this Formality, and thoſe Circumſtances declared to be legal, (at leaſt according to the equitable ſenſe of the Law, and to be for the Publick Good, and juſtifiable, by neceſſity of which they were the only Judges) whether though they might have thought their Deſign the more cunning, they would believe it the more juſtifiable. Nay, let the Framers of this Declaration ask themſelves, if the Evil Counſellors, the Malignant Party, the Perſons ill-affected, the Popiſh Lords their Adherents, ſhould prove now or hereafter to be a major part of both Houſes, for it hath been declared, a great part of both Houſes have been ſuch, and ſo might have been the greater, nay, that the greater part of the Houſe of Peers was ſuch, and we have not heard of any of their Converſions; and thereupon it hath been earneſtly preſſed, that the major part of the Lords might join with the major part of the Houſe of Commons; Were we bound to conſent to all ſuch Alterations as theſe Men ſhould propoſe to Us, and reſolve to be for the Publick Good? And muſt the Liberty, Property, Security of all our Subjects, depend on what ſuch Votes ſhould declare to be Law? Was the Order of the Militia unfit and unlawful, whilſt the major part of the Lords refuſed to join in it, as they did two, if not three ſeveral times? And it was never heard, before this Parliament, that they ſhould be ſo and ſo often preſſed after a Diſſent declared. And did it grow immediately neceſſary for the Publick Safety, and lawful by the Law of the Land, as ſoon as ſo many of the Diſſenting Peers were driven away, (after their Names had been required at the Bar) contrary to the Freedom and Foundation of Parliaments, that the other Opinion prevailed? Doth the Life and Liberty of the Subject depend upon ſuch Accidents of Days and Hours, that it is impoſſible for him to know his Right in either? God forbid.

But now to juſtify their Invaſion of Our ancient unqueſtioned undoubted Right, ſettled and eſtabliſhed on Us and our Poſterity *by God himſelf*, confirmed and ſtrengthned by all poſſible Titles of Compact, Laws, Oaths, perpetual and uncontradicted Cuſtom by our People: What have they alledged to declare

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to the Kingdom, as they ſay, the Obligation that lieth upon the Kings of this Realm to paſs all ſuch Bills as are offered unto them by both Houſes of Parliament, a thing never heard of till this day; an Oath (Authority enough for them to break all theirs) that is or ought to be taken by the Kings of this Realm, which is as well to remedy by Law ſuch Inconveniences the Kingdom may ſuffer, as to keep and protect the Laws already in being; and the Form of this Oath (they ſay) appears upon a Record there cited, and by a Clauſe in the Preamble of a Statute made in the five and twentieth Year of *Edward* the Third.

We are not enough acquainted with Records to know whether that be fully and ingenuouſly cited, and when, and how, and why the ſeveral Clauſes have been inſerted, or taken out of the Oaths formerly adminiſtred to the Kings of this Realm: yet we cannot poſſibly imagine the Aſſertion that Declaration makes, can be deduced from the Words, or the Matter of that Oath; for unleſs they have a Power of declaring Latin as well as Law, ſure *Elegerit* ſignifyeth *hath choſen*, as well as *will chooſe*, and that it ſignifieth ſo here, beſides the Authority of the perpetual Practice of all ſucceeding Ages (a better Interpreter than their Votes) is evident by the reference it hath to Cuſtoms; *Conſuetudines quas vulgus elegerit:* And could that be a Cuſtom which the People ſhould chuſe after this Oath taken? and ſhould a King be ſworn to defend ſuch Cuſtoms? Beſides, can it be imagined, that he ſhould be bound by Oath to paſs ſuch Laws? and ſuch a Law is the Bill they brought to us of the Militia, as ſhould put the Power wherewith he is truſted, out of himſelf in the Hands of other Men, and deveſt and diſable him of all poſſible Power to perform the great buſineſs of the Oath, which is to protect them. If we give away all our Power, or if it be taken from us, we cannot protect any Man. And what diſcharge would it be for us, either before God or Man, when our good Subjects, whom God and the Law hath committed to our Charge, ſhall be worried and ſpoiled, to ſay, that we truſted others to protect them; that is, to do that Duty for us which is *eſſentially* and *inſeparably* our own. But that all good Subjects may ſee how faithfully theſe Men, who aſſume this Truſt from them, deſire to diſcharge their Truſt, we ſhall be contented to publiſh for their Satisfaction, a Matter notorious enough, but which we our ſelves never thought to have been put to publiſh, and of which the Framers of that Declaration might as well have made uſe of, as of a Latin Record, they knew many of our good Subjects could not, and many of themſelves do not underſtand: the Oath it ſelf we took at our Coronation, warranted and injoyned to it by the Cuſtom and Directions of our Predeceſſors, and the Ceremony of their and our taking it they may find it in the Records of the Exchequer; this it is.

The Sermon being done, the Archbiſhop goeth to the King, and asks his Willingneſs to take the Oath uſually taken by his Predeceſſors.

The King ſheweth himſelf willing, ariſeth and goeth to the Altar: the Archbiſhop adminiſtreth theſe Queſtions, and the King anſwers them ſeverally.

Epiſcopus. "Sir, will you grant and keep, and by your Oath con-
"firm to the People of *England*, the Laws and the Cuſtoms to them
"granted by the Kings of *England*, your lawful and Religious Prede-
"ceſſors; and namely, the Laws, Cuſtoms and Franchiſes granted to
"the Clergy by the glorious King Saint *Edward*, your Predeceſſor, ac-
"cording to the Laws of God, the true Profeſſion of the Goſpel
"eſtabliſhed in this Kingdom, and agreeable to the Prerogative of
"the Kings thereof, and the ancient Cuſtoms of this Realm?

Rex. *I grant and promiſe to keep them.*

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Epiſcopus. "Sir, will you keep Peace and Godly Agreement entirely according to your Power, both to God, the holy Church, the "Clergy, and the People?

Rex. *I will keep it.*

Epiſcopus. "Sir, will you to your Power cauſe Law, Juſtice and "Diſcretion in Mercy and Truth, to be executed in all your Judg-"ments?

Rex. *I will.*

Epiſcopus. "Sir, will you grant to hold and keep the Laws and "rightful Cuſtoms which the Commonalty of this your Kingdom "*have*, and will you defend and uphold them to the Honour of God, "ſo much as in you lieth?

Rex. *I grant and promiſe ſo to do.*

Then one of the Biſhops reads this Admonition to the King before the People with a loud Voice.

"Our Lord and King, we beſeech you to pardon, and to grant, "and to preſerve unto us and to the Churches committed to our "Charge, all Canonical Priviledges, and due Law and Juſtice; and "that you would protect and defend us, as every good King in his "Kingdoms ought to be Protector and Defender of the Biſhops and "the Churches under their Government.

The King anſwereth;

With a willing and devout Heart I promiſe and grant my Pardon, and that I will preſerve and maintain to you, and the Churches committed to your Charge, all Canonical Priviledges, and due Law and Juſtice; and that I will be your Protector and Defender to my Power, by the Aſſiſtance of God, as every good King in his Kingdom in Right ought to protect and defend the Biſhops, and Churches under their Government.

Then the King ariſeth, and is led to the Communion-Table, where he makes a ſolemn Oath in ſight of all the People to obſerve the Premiſes; and laying his Hand upon the Book, ſaith,

The OATH.

The Things which I have before promiſed, I ſhall perform and keep. So help me God, and the Contents of this Book.

Let now all the World judg, whether ſuch Doctrine, or ſuch Concluſions as theſe Men teach, can follow, or have the leaſt pretence from this Oath?

For the Preamble of the Statute they cite, that tells us, that the King is bound to remedy by Law the Miſchiefs and Damages which happen to the People: he is ſo. But is the King bound by the Preamble of that Statute, to renounce his own Judgment, his own Underſtanding in theſe Miſchiefs? and of thoſe Remedies, how far forth he is obliged to follow the Judgment of his Parliament, that Declaration ſtill confeſſeth to be a Queſtion. Without queſtion, none can take upon them to remedy even Miſchiefs but by Law, for fear of greater Miſchiefs than thoſe they go about to remedy.

But

18 *Car.*

But we are bound in Juſtice to conſent to their Propoſals, becauſe there is a Truſt repoſed in us to preſerve the Kingdom by making new Laws; We are glad there is ſo: then we are ſure no new Laws can be made without our Conſent; and that the gentleneſs of Anſwer, *Le Roy s'aviſera*, if it be no Denial, is no Conſent, and then the matter is not great: They will allow us yet a greater latitude of granting or denying, as we ſhall think fit, in publick Acts of Grace, as Pardons, or the like Grants of Favour: Why do they ſo, if thoſe Pardons and publick Acts of Grace be for the publick Good, (which they may vote they are) they will then be abſolutely in their own diſpoſal? But have they left us this Power? they have ſure at leaſt ſhared it with us: How elſe have they got the Power to pardon Serjeant Major-General *Skippon* (a new Officer of State, and a Subject we have no Authority to ſend to ſpeak with) and all other Perſons employ'd by them, and ſuch as have employ'd themſelves for them, not only for what they have done, but for what they ſhall do? If they have Power to declare ſuch Actions to be no Treaſon which we would not pardon, and ſuch Actions to be Treaſon which needs no Pardon; the Latitude they allow us of granting or denying of Pardons, is a Jewel they may ſtill be contented to ſuffer us to wear in our Crown, and never think themſelves the more in danger.

All this conſidered, the Contrivers of that Meſſage, (ſince they will afford him no better Title) whom they are angry with, doth not conceive the People of this Land to be ſo void of common ſenſe as to believe us (who have denied no one thing for the Eaſe and Benefit of them, which in Juſtice or Prudence could be asked, or in Honour and Conſcience could be granted) to have caſt off all Care of our Subjects Good; and the Framers and Deviſers of that Declaration, who have endeavoured to render us odious to our Subjects, and them diſloyal to us, by pretending ſuch a Truſt from them to have only taken it up; neither (we are confident) will they be ſatisfied when they feel the Miſery and the Burdens which the Fury and the Malice of thoſe People will bring upon them, with being told that Calamity proceeds from evil Counſellors, whom no body can name; from Plots and Conſpiracies, which no Man can diſcover; and from Fears and Jealouſies, which no Man underſtands: And therefore that the Conſideration of it be left to the Conſcience, Reaſon, Affection and Loyalty of our good Subjects, who do underſtand the Government of this Kingdom, we are well content.

Where will the Folly and Madneſs of theſe People end, who would have our People believe, that our abſenting our Self from *London*, where with our Safety we could not ſtay; and the continuing our Magazine at *Hull*, proceeded from the ſecret Plots of the Papiſts here, and to advance the Deſigns of the Papiſts in *Ireland*? But it is no wonder that they who can believe Sir *John Hotham*'s ſhutting us out of *Hull*, to be an Act of Affection and Loyalty, will believe that the Papiſts or the Turks perſwaded us to go thither.

And can any ſober Man think that Declaration to be the Conſent of either or both Houſes of Parliament, unaltered either by Fraud or Force, which (after ſo many Thanks and humble Acknowledgments of our gracious Favour in our Meſſage of *Jan.* 20, ſo often and ſo unanimouſly preſented unto us from both Houſes of Parliament) tells us, that the Meſſage at firſt was, and as often as it hath been ſince mentioned by us, hath been a Breach of Priviledg, (of which they have not uſed to be ſo negligent, as in four Months not to complain, if ſuch a Breach had been) and that the way and method of Proceeding ſhould not be propoſed to them, as if we had only Authority to call them together, none to tell them what they were to do, not ſo much as with reference to our own Affairs. What their own Method hath been, and whither it hath led them, and brought the Kingdom, all Men ſee; what ours would have been, if ſeaſonably and timely applied unto, let all Men judg; We will ſpeak no more of it.

But ſee now what excellent Inſtances they have found out to prove an Inclination, if not in us, in ſome about us, to Civil War. Their going with us to the Houſe of Commons (ſo often urged, and ſo fully anſwered) their attending on us to *Hampton-Court*, and appearing in a warlike manner at *Kingſton* upon *Thames*; our going to *Hull*; their drawing their Swords at *York*, demanding who would be for the King; the declaring Sir *John Hotham* Traitor before the Meſſage ſent

An. 1642. to the Parliament; the Propoſitions to the Gentry in *Yorkſhire* to aſſiſt us againſt him, before we had received an Anſwer from the Parliament; all deſperate Inſtances of an Inclination to a Civil War: Examine them again. The Manner and Intent of our going to the Houſe of Commons, we ſet forth at large in our Anſwer to their Declaration of the *19th* of *May*. Let all Men judg. Next, do theſe Men themſelves believe (to what purpoſe ſoever that Rumour hath ſerved their turns) that there was an Appearance in a warlike manner at *Kingſton* upon *Thames*? Do they not know, that whenſoever we have been at *Hampton-Court*, ſince our firſt coming to the Crown, there was never a leſs Appearance, or in a leſs warlike manner than at the time they mean? We ſhall ſay no more, but that our Appearance in a warlike manner at *Kingſton* upon *Thames*, and theirs at *Kingſton* upon *Hull*, is very different. What is meant by drawing of Swords at *York*, and demanding who would be for the King, muſt be inquired at *London*; for we believe very few in *York* underſtand the meaning of it. For our going to *Hull* (which they will by no means endure ſhall be called a Viſit) whether it were not the way to prevent, rather than to make a Civil War, is very obvious; and the declaring him a Traitor in the very Act of his Treaſon, will never be thought unſeaſonable, but by thoſe who believe him to be a Loving and Loyal Subject, no more than the endeavouring to make the Gentlemen of this County ſenſible of that Treaſon (which they are in an honourable and dutiful degree) before we received our Anſwer from both Houſes of Parliament. For if they had been (as we expected they ſhould have been) ſenſible of that intolerable Injury offered to us, might not we have had occaſion to have uſed the Affection of theſe Gentlemen? Were we ſure that Sir *John Hotham*, who had kept us out without their Order (we ſpeak of a publick Order) would have let us in when they had bidden him? And if they had not ſuch a ſenſe of us, as the caſe falls out to be, had we not more reaſon to make Propoſitions to thoſe Gentlemen, whoſe Readineſs and Affection we, or our Poſterity ſhall never forget.

But this buſineſs of *Hull* ſticks ſtill with them, and finding our Queſtions hard, they are pleaſed to anſwer us by asking us other Queſtions. No matter of the Exceptions againſt the Earl of *Newcaſtle*, (which have been ſo often urged, as one of the principal Grounds of their Fears and Jealouſies, and which drew that Queſtion from us) they ask us why, ſince we held it neceſſary that a Governour ſhould be placed in *Hull*, Sir *John Hotham* ſhould be refuſed by us, and the Earl of *Newcaſtle* ſent down? We anſwer, becauſe we had a better Opinion of the Earl of *Newcaſtle* than of Sir *John Hotham*, and deſired to have ſuch a Governour over our Towns (if we muſt have any) as ſhould keep them for, and not againſt us: and if his going down were in a more private way than Sir *John Hotham's*, it was becauſe we had not that Authority to make a noiſe by levying and billeting of Souldiers in a peaceable time upon our good Subjects, as it ſeems Sir *John Hotham* carried down with him; and the Imputation which is caſt by the way upon that Earl, to make his Reputation not ſo unblemiſhed as we conceived, and the World believes it to be, and which, tho it was not ground enough for a judicial Proceeding (it is wonder it was not) was yet of ſuſpicion, muſt be the Caſe of every Subject in *England* (and we wiſh it went no higher) if every vile Aſperſion contrived by unknown Hands, upon unknown or unimaginable Grounds (which is the way practiſed to bring any vertuous and deſerving Men into Obloquy) ſhall receive the leſt Credit or Countenance in the World.

They tell us their Exception to thoſe Gentlemen, who delivered their Petition to us at *York*, was, That they preſumed to take the Stile upon them of all the Gentry and Inhabitants of that County; whereas they ſay, ſo many more of as good Quality as themſelves of that County, were of another Opinion, and have ſince, by their Petition to Us, diſavowed that Act. Their Information in that Point is no better than it uſeth to be; and they will find, that neither the Number or the Quality of thoſe who have, or will diſavow that Petition, are, as they imagine; though too many weak Perſons are miſled, which they do, and will every day more underſtand, by the Faction, Skill, and Induſtry of that true Malignant Party, of which we do and have reaſon to complain. They ſay, they have received no Petition of ſo ſtrange a Nature. What Nature? contrary to the Votes of both Houſes? That is, they have received no Petition,

they

they had no mind to receive. But we told them, and we tell them again, and all our good Subjects will tell them, that they have received Petitions, (with Joy and Approbation) againſt the Votes of both Houſes of their Predeceſſors, confirmed and eſtabliſhed into Laws, by the Conſent of Us and our Anceſtors; and allowed thoſe Petitions to carry the Stile, and to ſeem to carry the Deſires of Cities, Towns and Counties; when of either City, Town, or County, very few known or conſiderable Perſons have been privy to ſuch Petitions: Whereas in truth the Petitions delivered to us (againſt which they except) carried not the Stile of all, but ſome of the Gentry and Inhabitants; and implied no other Conſent, than ſuch as went viſibly along with it.

But we are all this while in a Miſtake, the Magazine at *Hull* is not taken from us. Who told you ſo? They who aſſure you, (and whom without breaking their Priviledges you muſt believe) that Sir *John Hotham*'s ſhutting the Gates againſt Us, and reſiſting our Entrance with armed Men, (though we thought it in Defiance of Us) was indeed in Obedience to us and our Authority, and for our Service, and the Service of the Kingdom; he was to let none in, but ſuch as came with our Authority, ſignified by both Houſes of Parliament, himſelf and they had ordered it ſo: And therefore he kept us out only till We or He might ſend for their Directions. We know not whether the Contrivers of that Declaration meant, that our good Subjects ſhould ſo ſoon underſtand, though it was plain enough to be underſtood, the meaning of the King's Authority, ſignified by both Houſes of Parliament: but ſure the World will now eaſily diſcern in what miſerable Caſe we had by this time been (it is bad enough as it is) if we had conſented to their Bill, or to their Ordinance of the Militia, and given thoſe Men Power to have raiſed all the Arms of the Kingdom againſt Us, (for the Common Good, by our own Authority) would they not, as they have kept us from *Hull*, by this time have beaten us from *York*, and purſued Us out of the Kingdom in our own behalf? Nay, may not this Munition, which is not taken from Us, be imployed againſt Us? not againſt our Authority, ſignified by both Houſes of Parliament, but only to kill thoſe ill Counſellors, the Malignant Party which is about Us, and yet for our Good, for the Publick Good, they will declare it ſo, and ſo no Treaſon within the Statute of 25 *Edward* the Third; which by their Interpretation hath left Us (the King of *England*) abſolutely leſs provided for, in point of Safety, than the meaneſt Subject of the Kingdom; and every Subject of this Land, for whoſe Security that Law was made, that they may know their Duty, and their Danger in breaking it, may be made a Traitor, when theſe Men pleaſe to ſay he is ſo. But do they think, that upon ſuch an Interpretation, (upon pretence of Authority of Book-Caſes and Precedents, which without doubt they would have cited if it had been to their purpoſe) out of which nothing can reſult, but Confuſion to King and People, will find any Credit with our good Subjects; and that ſo excellent a Law, made both for Security of King and People, ſhall be ſo eluded, by an Interpretation no Learned Lawyer in *England* will at this Hour, we believe, ſet under his Hand, notwithſtanding the Authority of that Declaration, which we hope ſhall bring nothing but Infamy upon the Contrivers of it.

Now to their Priviledges. Though it be true, they ſay, that their Priviledges do not extend to Treaſon, Felony, or Breach of the Peace, ſo as to exempt Members from all manner of Proceſs and Trial, yet it doth priviledg them in the way or method of their Trial: The Cauſe muſt be firſt brought before them, and their Conſent asked before you can proceed. Why, then their Priviledges extend as far in theſe Caſes, as in any that are moſt unqueſtioned; for no Priviledg whatſoever exempts them from all manner of Proceſs and Trial, if you firſt acquaint the Houſe with it, and they give you leave to proceed, by thoſe Proceſs, or to that Trial. But by this Rule, If a Member of either Houſe commit a Murder, you muſt by no means meddle with him, till you have acquainted that Houſe of which he is a Member, and received their Direction for your proceeding, aſſuring your ſelf, he will not ſtir from that place where you left him, till you return with their Conſent; ſhould it be otherwiſe, it would be in the Power of every Man, under pretence of Murder, to take one after another, and as many as he pleaſeth, and ſo conſequently bring a Parliament to what he pleaſeth, when he pleaſeth: If a Member of either Houſe ſhall take a Purſe at *York* (he may as probably take a Purſe from a Subject, as Arms againſt his King)

you

An. 1642. you muſt ride to *London* to know what to do, and he may ride with you, and take a new Purſe every Stage, and muſt not be apprehended, or declared a Felon, till you have asked that Houſe, of which he is a Member; ſhould it be otherwiſe, it might be in every Man's Power to accuſe as many Members as he would of taking Purſes, and ſo bring a Parliament, and ſo all Parliaments to nothing. Would theſe Men be believed? and yet they make no doubt but every one who hath taken the Proteſtation, will defend this Doctrine with his Life and Fortune? Will not our Subjects believe, that they have impoſed a pretty Proteſtation upon them, and that they had a very good End in the doing it, if it obligeth them to ſuch Hazards, to ſuch Undertakings? Muſt they forget or neglect our Perſon, Honour and Eſtate, which by that Proteſtation they are bound to defend, and in ſome degree do underſtand? And muſt they only venture their Lives and Fortunes to juſtify Priviledges they know not, or ever heard of before? Or are they bound by that Proteſtation to believe, that the Framers of that Declaration have Power to extend their own Priviledges as far as they think fit, and to contract our Rights as much as they pleaſe, and that they are bound to believe them in either, and to venture their Lives and Fortunes in that Quarrel.

From declaring how mean a Perſon we are, and how much the Kingdom hath been miſtaken in the Underſtanding of the Statute of 25 *E.* 3. concerning Treaſon; and that all Men need not fear levying War againſt Us, ſo they have their Order to warrant them; they proceed in the Spirit of Declaring, to certify our Subjects in the Miſtakings, which near one hundred and fifty Years have been received concerning the Statute of the eleventh Year of *H.* 7. *cap.* 1. (a Statute our good Subjects will read with comfort) and tell them, that the Service of the King, for the time being, cannot be meant of *Perkin Warbeck*, or of any that ſhould call him King, but ſuch a One as is allowed and received by the Parliament in the behalf of the Kingdom: And are we not ſo allowed? however through a dark Miſt of Words, and urging their old Priviledges, which we hope we have ſufficiently anſwered, and will be every day more confuted by the Actions of our good Subjects, they conclude, that thoſe that ſhall guide themſelves by the Judgment of Parliament, (which they ſay is their own) ought, whatſoever happen, to be ſecure and free from all Accompts and Penalties, upon the Ground and Equity of that very Statute. How far their own Chancellors may help them in that Equity, we know not; but (by the help of God, and that good Law) we ſhall allow no ſuch Equity.

So then here is the Doctrine of that Declaration, and theſe are the Poſitions of the Contrivers of it.

1. That they have an abſolute Power of declaring the Law; and that whatſoever they declare to be ſo, ought not to be queſtioned by our Self, or any Subject. So that all Right, and Safety of Us and our People, muſt depend upon their Pleaſure.

2. That no Precedents can be Limits to bound their Proceedings: So they may do what they pleaſe.

3. That a Parliament may diſpoſe of any thing, wherein the King or Subject hath a Right, for the Publick Good: That they, without the King, are this Parliament, and Judg of this Publick Good, and that our Conſent is not neceſſary. So the Life and Liberty of the Subject, and all the good Laws made for the Security of them, may be diſpoſed of and repealed by the major Part of both Houſes, at any Time preſent, and by any Ways and Means procured ſo to be, and we have no Power to protect them.

4. That no Member of either Houſe ought to be troubled or meddled with, for Treaſon, Felony, or any other Crime, without the Cauſe firſt brought before them, that they may judg of the Fact, and their Leave obtained to proceed.

5. That the Sovereign Power reſides in both Houſes of Parliament, and that We have no Negative Voice; ſo then we our Self muſt be ſubject to their Commands.

6. That the levying of Forces againſt the perſonal Commands of the King, (though accompanied with his Preſence) is not levying War againſt the King, but the levying War againſt his Laws and Authority, (which they have Power to declare and ſignify) though not againſt his Perſon, is levying War againſt the King;

King; and that Treaſon cannot be committed againſt his Perſon, otherwiſe than as he is intruſted with the Kingdom, and diſcharging that Truſt; and that they have a Power to judg whether he diſcharge this Truſt or no. 18 *Car.*

7. That if they ſhould make the higheſt Precedents of our Parliaments their Patterns, there would be no cauſe to complain of want of Modeſty or Duty in them; that is, they may Depoſe us when they will, and are not to be blamed for ſo doing.

And now, as if the meer publiſhing of their Reſolutions, would not only prevail with the People, but in the inſtant deſtroy all Spirit and Courage in Us, to preſerve our own Right and Honour, they have ſince taken the boldneſs to aſſault Us with certain Propoſitions, which they call, *The moſt neceſſary effectual Means for the removing thoſe Jealouſies and Differences between Us and our People*; that is, that we will be content to deveſt our Self of all our Regal Rights and Dignities; be content with the Title of a King, and ſuffer them (according to their Diſcretion) to govern Us and the Kingdom, and to diſpoſe of our Children. How ſuitable and agreeable this Doctrine and theſe Demands are, to the Affection of our loving Subjects, under whoſe Truſt theſe Men pretend to ſay and do theſe monſtrous Things; and to deſign, not only the ruin of our Perſon, but of our Monarchy it ſelf, (which we may juſtly ſay, is more than ever was offered in any of our Predeceſſors Times: for though the Perſon of the King hath been ſometimes unjuſtly Depoſed, yet the Regal Power was never before this Time ſtrucken at) we believe our good Subjects will find ſome way to let them and the World know. And from this time, ſuch who have been miſled by their ill Counſels, to have any hand in the Execution of the Militia, will ſee to what ends their Service is deſigned; and therefore if they ſhall preſume hereafter to meddle in it, they muſt expect that we will immediately proceed againſt them, as actual Raiſers of Sedition, and as Enemies to our Soveraign Power.

We have done, and ſhall now expect the worſt Actions theſe Men have Power to commit againſt us; and we doubt not but the major part of both Houſes of Parliament, when they may come together with their Honour and Safety, as well thoſe who were ſurprized at the paſſing of it, and underſtood not the Malice in it, and the Confuſion that muſt grow by it, if believed, as thoſe who were abſent or involved, will ſo far reſent the Indignity offered to us, the Diſhonour to themſelves, and the Miſchief to the whole Kingdom, by that Declaration, that they will ſpeedily make the foul Contrivers of it, Inſtances of their exemplary Juſtice, and brand them and their Doctrine with the Marks of their perpetual Scorn and Indignation.

To this his Majeſty's Anſwer, the two Houſes ſometime after publiſh'd a Reply; but the ſame being very tedious, is referred to the *Appendix*, where you will find it at large.

A Deſign againſt *Hull*, carried on by Mr. *Beckwith* defeated, *May* 1642.

About the middle of *May*, Mr. *Beckwith* of *Beverly* ſent a Letter to one Lieutenant *Fowkes*, who had married his Daughter, and was then Lieutenant to Captain *Lowinger* a Dutch-man, then in Command under Sir *J. Hotham* in *Hull*. Which Letter *Fowkes* ſhewed to Mr. *Robert Stockdale*, then Secretary to Sir *John*. The Contents to this effect, *viz.*

Son *Fowkes*,

" I pray you will not fail to come this Day to ſee me, I have ſome-
" thing of Concern to adviſe with you about, therefore I deſire you
" not to fail to come to me.

Fowkes deſired *Stockdale* to ſhew this Letter to Sir *John Hotham*, and obtain his leave to go, promiſing to return next day at what time he ſhould appoint, and give him a true Account. Which Sir *John* granted, ordering him to return next day by ten a Clock: Which accordingly he did, and gave Sir *John* this following Account.——That being

An. 1642. being come to his Father's, and kindly received, in the Parlour he found about fourteen or fifteen Gentlemen; one of which had a Vizor on, whom he did ſuppoſe to be Sir *Joceline Piercy* a Papiſt, then dwelling in *Beverley*, the reſt were all Strangers to him. After Civilities had paſſed, they told him, They believed that neither he nor his Captain took up Arms under *Hotham* out of any Diſloyalty to the King, but for their better ſupport as Souldiers. He replied, That neither he, nor his Captain neither, had any deſign of Diſloyalty, but ſhould always teſtify the contrary when any Occaſion ſhould happen. Upon which they thanked him; and after ſome further Diſcourſe he was told, That it lay in his and his Captain's Power, to do his Majeſty ſuch Service as would procure to themſelves Honour and Advantage, and propoſed that he would conſult his Captain; and if they would think of ſome way to deliver up *Hull* to the King, his Captain ſhould have 1000 *l. per Annum* ſettled upon him and his Heirs, and 1000 *l.* in Money; and he 500 *l. per Annum*, and 500 *l.* in Money; and one of them gave him fifty pieces of Gold as an Earneſt, (which Gold the Lievtenant ſhewed to Sir *John Hotham*). He ſeemed to comply; but deſiring to know whom he ſhould correſpond with, they told him only with his Father *Beckwith*.

Sir *J. Hotham*, with thanks and promiſe of Reward, ordered *Fowkes* to proceed, and drew up a Letter, which was tranſcribed by *Fowkes* to *Beckwith*, That he found the Captain compliable, and ſhould give them Advice, as they proceeded. Several Letters thus paſt, to humour the Deſign, till Sir *John* thought fit to bring it to an Iſſue, by framing a Letter in *Fowkes*'s Hand to this purpoſe. That on Tueſday next his Captain and he were to come upon the Guard, his Captain to command the Main-Guard, and he the North-Gate; therefore deſired his Majeſty would that Afternoon ſend from *York* 1000 Horſe, and 500 Foot to ride behind the Horſe for Expedition; and that they ſhould be at *Hull* at two a Clock in the Morning; with a ſmall Party give the Alarm at *Mytan*-Gate, and with the Main Body advance to the North-Gate, where he would give them Entrance, ſo they might march up to the Main-Guard, which his Captain would deliver into their Hands, and ſo the Town become their own without Hazard. Which was agreed on by *Beckwith*, in an Anſwer returned on the Monday.

Then Sir *John* opened the Matter at a Council of War, where the majority was for permitting the intended Forces to come, and cut them off: Which Sir *John* oppoſed, ſaying, he would never ſhed Blood when he could ſave it, and rather choſe to give notice of it to his Majeſty; ſending away about one of the Clock that Night his Secretary: who next Morning arrived at *York*, and preſented a Letter from *Hotham*, of the diſcovery of the Deſign. In reading of which his Majeſty ſeemed pleaſed, it giving a ſtop to the Effuſion of Blood; ſome Gentlemen of Quality being then on Horſe-back, in order to the intended March.

The next day Sir *J. Hotham* ſent an Expreſs to the Parliament, who voted him Thanks, and ordered a Meſſenger for *Beckwith*, who ſeized him at *York*, by virtue of an Order of both Houſes: But he was taken from the Meſſenger, his Majeſty ſaying, *That when the Parliament gave him Juſtice againſt Sir* John Hotham, *he would deliver* Beckwith *to them.*

The King's Guards at *York* daily encreaſing, and his Majeſty reſolving, as ſoon as poſſible, to make himſelf Maſter of the Town of *Hull*, and bring *Hotham* to exemplary Puniſhment; Therefore for his own

own Security, and to prevent any Practices within the Town, Sir *John Hotham* thought it neceſſary to try and engage the Inhabitants by a Proteſtation for the Maintenance of *Hull* for the King and Parliament, and Kingdom's uſe, which was taken by the greater part of the People, and ſuch as refuſed were expelled the Town. 18 *Car.*

Likewiſe Sir *John Hotham* ſuppoſing that the King's Aim was principally to gain the Magazine, did therefore ſend all the great Ordnance back to *London*, and alſo great ſtore of Arms and Ammunition, hoping that the ſame being removed, he ſhould be the more quiet: And indeed the King for want of Ordnance, was not yet in a Condition to attack him. But on the 2*d* of *June* 1642, the Ship called the *Providence* (coming from *Holland*, and making an Eſcape from the *May-flower*, which had taken her in *Humber*, and was bringing her into *Hull*) ran aſhore upon *Holderneſs*-Coaſt in *Kenningham*-Creek, with ſixteen pieces of Ordnance, and great ſtore of Arms and Ammunition, having been long expected by the Royal Party; and the Tidings being carried to *York* of her Arrival, they unburthened the Ship and armed themſelves, and divers Country-men, and prepared for the beleaguering of *Hull*; in order to which his Majeſty ſent the following Meſſage and Proclamation to the two Houſes, touching the Reaſon of his Advance before that Town.

His Majeſty's Meſſage to both Houſes of Parliament of the 11th *of* July, 1642, *with the Proclamation enſuing.*

The King's Meſſage, *July* 11, 1642. touching his advance to beſiege *Hull*.

BY our former Declarations, and this our *Proclamation* (which we herewith ſend you) you and all our good Subjects, may ſee the juſt Grounds of our preſent Journey towards our Town of *Hull*. Before we ſhall uſe *Force* to reduce that Place to its due Obedience, we have thought fit once more to require you, that it may be forthwith delivered up to us, (the buſineſs being of that nature, that it can admit no delay): wherein if you ſhall conform your ſelves, we ſhall then be willing to admit ſuch *Addreſſes* from you, and return ſuch *Propoſitions* to you, as may be proper to ſettle the Peace of this Kingdom, and compoſe the preſent Diſtractions. Do your Duty herein, and be aſſured from us, in *the Word of a King*, that nothing ſhall be wanting on our part, that may prevent the Calamities which threaten this Nation, and may render our People truly happy. If this our gracious Invitation ſhall be declined, God and all good Men judg betwixt us. We ſhall expect to receive Satisfaction herein by your Anſwer to be preſented to us at *Beverly*, upon Friday next, being the 15*th* day of this preſent *July*.

By the KING.

A Proclamation, declaring our Purpoſe to go in our Royal Perſon to Hull, *and the true Occaſion and End thereof.*

A Proclamation of the Reaſons of the King's beſieging *Hull*, *July* 8, 1642.

"WE having long complained of the high Affront done unto us in our "own Perſon by Sir *John Hotham*, when we went to our Town of "*Hull*, to view our *Magazine* and *Arms*, our own proper Goods, (if "we ſhall be allowed to call any thing our *own*) which then were there; and "ſince by, and under colour of Orders made by both our Houſes of Parlia"ment, not only without, but againſt our Conſent, violently taken and car"ried from thence; and for that the Town it ſelf being the principal Fort and "Port of theſe Northern Parts of this Kingdom, in a warlike manner, with

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" many hundreds of Souldiers, hath been kept and maintained againſt us, as a " *Gariſon* and Town of War, as againſt an Enemy; and that by the practice " of a malignant Party, which hath too great an Influence upon our two Houſes " of Parliament. Inſtead of repairing our Honour for this Indignity, ſeveral " *Orders* and *Votes* of the major Part then preſent, have been made to juſtify " all this as *Legal*, which Orders and Votes would have us, and others to be- " lieve, upon the many Proteſtations in Print, that there hath been nothing " done therein (as in many other things of that nature) but for the Safety of " our Perſon, the Honour of our *Crown*, and Good of the Kingdom; as if " *Words* directly contrary to theſe Actions of Hoſtility could ſatisfy us, or any " reaſonable Man, not blinded with ſelf-Opinion, or abuſed and miſled by " vain and falſe Surmiſes, or groundleſs Jealouſies. We have now looked " ſomewhat more narrowly into the manner of Sir *John Hotham*'s Carriage in this " his Employment, and did find by the certain Relation of others, that for " the fortifying of the Place againſt us his *Liege Lord*, he hath uſed the help of " Art in making Outworks to defend the Town; he hath purpoſely cut the " *Banks*, and let in the Waters to drown the Land-paſſages, and to make the " Town inacceſſable by that way: he hath ſet forth a *Pinnace* (amongſt other " good Services) to intercept a *Pinnace* of ours employ'd for carrying of " *Letters*, Meſſages and Paſſengers between Us and our deareſt Conſort the " *Queen*; he permitteth his Souldiers to iſſue out of the Town, and *forage* " upon the Country: He hath not only unlawfully, but tyrannically caſt out " divers Inhabitants of the Town from their Dwellings, becauſe he could not " confide in them: He hath *diſarmed* all the Townſmen, that he might put the " ſole Power in the Souldiery under his Command; he doth compel ſome others " of the Inhabitants deſirous to depart the Town with their Families, to abide " and continue there againſt their Wills; and by drowning of the Lands a- " bout the Town in manner as aforeſaid, he hath deſtroyed the Paſtures, Meadows " and Corn-Lands within that compaſs, containing ſome thouſands of Acres " of very fruitful Grounds, amounting to a great value, to the great impo- " veriſhing of the Owners and Occupiers thereof. And he hath for divers " Months continued in Pay many hundreds of Souldiers, and endeavoured, under " pretence of Authority from the two Houſes of Parliament, to increaſe their " Number from the County of *Lincoln* adjoyning, and from other places; and " this at the publick Charge of the Kingdom, and out of thoſe Monies pro- " vided for the Relief of the Miſeries of *Ireland*, and Payment of the great " Debt to our Kingdom of *Scotland*.

" Whereupon we being very ſenſible of this extream Diſhonour to us, that " a Town of ſuch Importance, and ſo near to the place of our preſent Reſi- " dence, ſhould be thus fortified, kept and maintained againſt us; that the " Port and Paſſage by Sea ſhould be defended againſt us by our own Ships, " under the Conduct of the Earl of *Warwick*, who being legally diſcharged " by us of his Imployment by Sea, by our Revocation of the *Commiſſion* " formerly granted by us to the Earl of *Northumberland*, and by our Command " ſignified unto him under our own Hand, to deliver the Command of our " Ships into the hands of another Perſon named by us, hath, notwithſtanding " our ſaid Commands, (to which the Earl of *Northumberland* paid a Dutiful " Obedience) preſumed, not only to diſpoſſeſs us of our ſaid Navy, but to " imploy it againſt us; and to take Priſoners ſuch of our Captains as expreſſed " a Loyalty to us, according to their Oaths, and the Duty of Subjects. And " that a *Ship* of ours lately imploy'd for our particular Service into *Holland*, " and returning from thence with ſome of our proper Goods, hath been chaſed " by them as an Enemy, and inforced for her Safety, to put into a ſmall *Creek* " within ſix Miles of that Town, and there to run on Ground, to the great " hazard of our ſaid Veſſel; and that both our Ship and Goods there were yet " remaining in danger to be ſurprized by our own Subjects. We took a Journy " on Wedneſday the ſixth of this Month from *York* towards the ſaid Creek, " to take a view of our ſaid Ship and Goods thus expoſed to danger; we " having juſt cauſe to fear that Sir *John Hotham*, and others of his Confederacy, " would (for our good, and the good of the Kingdom) make Prize of theſe " alſo. And by the opportunity of that Journy, we our ſelf are now fully " informed of the Certainty of thoſe things, which we had before received

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" but from the Relation of others; and there received a lamentable Petition " of our Subjects of thoſe parts, complaining of the unheard-of *Inſolence* and " *Barbariſm* of Sir *John Hotham*, and deſiring our juſt and neceſſary Protection of " them from thoſe cruel Oppreſſions.

" Upon all which Conſiderations, that we may at length, after this long Pa- " tience, do that Right to our Honour, our Crown and Royal Dignity, and to our " good Subjects in general, and thoſe of and near to our Town of *Hull* in parti- " cular; which we had reaſon to have expected from our two Houſes of Parlia- " ment, but have failed of the Fruits of our long Expectation, by the Malice of " ſome ill-affected Spirits amongſt them, who ſtudy nothing more, than by falſe " Pretences to amuſe and abuſe our good People. We have taken this Reſolu- " tion, by God's Bleſſing, and the Aſſiſtance of our good Subjects, to force " Sir *John Hotham*, and all that ſhall take part with him, in the unjuſt and treaſo- " nable Defence of the Town of *Hull* againſt Us, to that Obedience which is " due by Subjects to their Liege Lord and Sovereign; and to reſiſt the Aſſi- " ſtance intended to Sir *John Hotham*, from our ſaid County of *Lincoln*, and " other places adjoining, if they ſhall attempt it. And to this purpoſe We will " and require all our loving Subjects to yield their beſt Aſſiſtance, of what kind " ſoever, to ſo neceſſary a Defence of our Perſon, and juſt Vindication of ſo " great an Injury offered unto Us, to the Diſhonour of this Nation. And We " do declare, That whoſoever ſhall give Us their chearful Help at this Time, and " to this Purpoſe, either with Men, Horſe, Arms, or Money, to be brought, " ſent, or conveyed unto Us, We ſhall look upon it as a Service never to be " forgotten.

" And this We publiſh to all our Subjects, and to all the World, that they " may truly underſtand the clearneſs of our Intentions herein, as We ſhall do in " all other things concerning our Government: And that We do and ever ſhall " maintain thoſe Reſolutions We have profeſſed ſo often, and ſo ſeriouſly by our " former Declarations, That We will continue and defend the true Proteſtant Re- " ligion, as it is by Law eſtabliſhed in the Church of *England*, the Laws of the " Land, the Rights and juſt Liberties of our Subjects, equally to and with our " own juſt Prerogative, and the true Priviledges of Parliament, and never infringe " any Act conſented to by Us, this Parliament; and that We have not, nor " ever had the leaſt thought of making War upon our two Houſes of Parlia- " ment, as hath been ſlanderouſly and maliciouſly publiſhed. And theſe things, " not our Words only, but all our Actions ſhall make good. And in this Re- " ſolution, and the juſt obſervation thereof, We ſhall both live and die.

" Given at our Court at *Beverly*, the eighth day of *July*, in the eighteenth Year " of our Reign, 1642.

The two Houſes of Parliament, before the Receipt of this Meſſage of the 11*th* of *July*, had prepared and concluded the following Petition to be preſented to his Majeſty, and therefore reſolved not to return any other Anſwer thereunto. But leſt his Majeſty ſhould think it a delatorineſs in the Parliament to return an Anſwer, the two Houſes ſent the Author of theſe *Collections* Poſt to *Beverly*, to acquaint his Majeſty, that the Earl of *Holland*, Sir *John Holland*, and Sir *Philip Stapleton*, were coming down with a Petition of both Houſes, in anſwer to his Majeſty's ſaid Meſſage of the 11*th* of *July*; which is as followeth.

To the King's moſt Excellent Majeſty, The humble Petition of the Lords and Commons aſſembled in Parliament.

May it pleaſe your Majeſty;

The Parliaments Petition to the King at *Beverley*, *July* 15. 1642.

ALthough we your Majeſty's moſt humble and faithful Subjects, the Lords and Commons in Parliament aſſembled, have been very unhappy in many former Petitions and Supplications to your Majeſty, wherein we have repreſented our moſt dutiful Affections, in adviſing and deſiring thoſe things

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which we held moſt neceſſary for the preſervation of God's true Religion, your Majeſty's Safety and Honour, and the Peace of the Kingdom: And with much ſorrow do perceive, That your Majeſty, incenſed by many falſe Calumnies and Slanders, doth continue to raiſe Forces againſt us, and your other peaceable and loyal Subjects, and to make great preparations for War, both in the Kingdom, and from beyond the Seas: And by Arms and Violence, to over-rule the Judgment and Advice of your great Council; and by Force to determine the Queſtions there depending, concerning the Government and Liberty of the Kingdom: Yet ſuch is our earneſt deſire of diſcharging our Duty to your Majeſty and the Kingdom, to preſerve the Peace thereof, and to prevent the Miſeries of Civil War amongſt your Subjects, That notwithſtanding we hold our ſelves bound to uſe all the Means and Power, which by the Laws and Conſtitutions of this Kingdom we are truſted with, for Defence and Protection thereof, and of the Subjects from Force and Violence; We do in this our humble and loyal Petition, proſtrate our ſelves at your Majeſty's Feet, beſeeching your Royal Majeſty, That you will be pleaſed to forbear and remove all Preparations and Actions of War, particularly the Forces from about *Hull*, from *Newcaſtle*, *Tinmouth*, *Lincoln*, and *Lincolnſhire*, and all other places. And that your Majeſty will recal the Commiſſions of Array, which are illegal; diſmiſs Troops, and extraordinary Guards by you raiſed: That your Majeſty will come nearer to your Parliament, and hearken to their faithful Advice, and humble Petitions, which ſhall only tend to the Defence and Advancement of Religion, your own Royal Honour and Safety, and the preſervation of our Laws and Liberties. And we have been, and ſhall ever be careful to prevent and puniſh all Tumults and ſeditious Actions, Speeches, and Writings, which may give your Majeſty juſt cauſe of diſtaſte, or apprehenſion of danger; from which publick Aims and Reſolutions, no ſiniſter or private reſpect ſhall ever make us to decline: That your Majeſty will leave Delinquents to the due courſe of Juſtice; and that nothing done or ſpoken in Parliament, or by any Perſon in purſuance of the Command and Direction of both Houſes of Parliament, be queſtioned any where but in Parliament.

And we, for our parts, ſhall be ready to lay down all thoſe Preparations which we have been forced to make for our Defence. And for the Town of *Hull*, and the Ordinance concerning the *Militia*, as we have in both theſe Particulars, only ſought the preſervation of the Peace of the Kingdom, and the Defence of the Parliament from Force and Violence: So we ſhall moſt willingly leave the Town of *Hull* in the State it was before Sir *John Hotham* drew any Forces into it, delivering your Majeſty's Magazine into the Tower of *London*; and ſupplying whatſoever hath been diſpoſed by us for the Service of the Kingdom. We ſhall be ready to ſettle the Militia by a Bill, in ſuch a way, as ſhall be Honourable and ſafe for your Majeſty, moſt agreeable to the Duty of Parliament, and effectual for the good of the Kingdom. That the ſtrength thereof be not employed againſt it ſelf; and that which ought to be for our Security, applied to our Deſtruction: And that the Parliament, and thoſe who profeſs and deſire ſtill to preſerve the Proteſtant Religion, both in this Realm, and in *Ireland*, may not be left naked, and indefenſible, to the miſchievous Deſigns, and cruel Attempts of thoſe who are the profeſs'd and confederated Enemies thereof in your Majeſty's Dominions, and other Neighbour-Nations. To which if your Majeſty's Courſes and Counſels ſhall from henceforth concur, we doubt not but we ſhall quickly make it appear to the World, by the moſt eminent Effects of Love and Duty, That your Majeſty's Perſonal Safety, your Royal Honour and Greatneſs, are much dearer to us than our own Lives and Fortunes: Which we do moſt heartily dedicate, and ſhall moſt willingly imploy for the Support and Maintenance thereof.

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His Majeſty's Anſwer to the Petition of the Lords and Commons aſſembled in Parliament.

THough his Majeſty had no great reaſon to believe, that the Directions ſent to the Earl of *Warwick* to go to the River of *Humber*, with as many Ships as he ſhould think fit, for all poſſible Aſſiſtance to Sir *John Hotham*, (whilſt his Majeſty expected the giving up of the Town unto him) and to carry away ſuch Arms from thence as his Diſcretion thought fit to ſpare out of his Majeſty's own Magazine. The chuſing a General, by both Houſes of Parliament, for the Defence of thoſe who have obeyed their Orders and Commands, (be they never ſo Extravagant and Illegal); their Declaration, *That in that Caſe, they would Live and Die with the Earl of* Eſſex *their General*, (all which were Voted the ſame Day with this Petition); And the committing the Lord Mayor of *London* to Priſon, for executing his Majeſty's Writs and lawful Commands, were but ill Prologues to a Petition which might compoſe the miſerable Diſtractions of the Kingdom: Yet his Majeſty's paſſionate Deſire of the Peace of the Kingdom, together with the Preface of the Preſenters, That they had brought a Petition full of Duty and Submiſſion to his Majeſty, and which deſired nothing of him but his Conſent to Peace, (which his Majeſty conceived to be the Language of both Houſes too) begot a greedy Hope and Expectation in him, that this Petition would have been ſuch an Introduction to Peace, that it would at leaſt have ſatisfied his Meſſage of the eleventh of this Month, by delivering up *Hull* unto his Majeſty. But to his unſpeakable Grief, his Majeſty hath too much cauſe to believe, that the End of ſome Perſons by this Petition, is not in truth to give any real Satisfaction to his Majeſty; but by the ſpecious Pretences of making Offers to him, to miſlead and ſeduce his People, and lay ſome imputation upon him of denying what is fit to be granted; otherwiſe it would not have thrown thoſe unjuſt Reproaches and Scandals upon his Majeſty, for making a neceſſary and juſt Defence for his own Safety; and ſo peremptorily juſtified ſuch Actions againſt him, as by no Rule of Law or Juſtice can admit the leaſt colour of Defence; and after ſo many free and unlimited Acts of Grace paſſed by his Majeſty, without any Condition, have propoſed ſuch things which in Juſtice cannot be denied unto him, upon ſuch Conditions as in Honour he cannot grant. However, that all the World may ſee how willing his Majeſty would be to imbrace any Overture that might beget a right Underſtanding between Him and his two Houſes of Parliament, (with whom he is ſure he ſhall have no Contention, when the private Practices and ſubtile Inſinuations of ſome few Malignant Perſons ſhall be diſcovered, which his Majeſty will take care ſhall be ſpeedily done) He hath with great care weighed the Particulars of this Petition, and returns this Anſwer.

THat the Petitioners were never unhappy in their Petitions or Supplications to his Majeſty, while they deſired any thing which was neceſſary or convenient for *The preſervation of God's true Religion, his Majeſty's Safety and Honour*, and *the Peace of the Kingdom*: And therefore when thoſe general envious Foundations are laid, his Majeſty could wiſh ſome particular Inſtances had been applied. Let Envy and Malice object one particular Propoſition for the preſervation of God's true Religion, which his Majeſty hath refuſed to conſent to. What himſelf hath often made for the eaſe of Tender Conſciences, and for the advancement of *the Proteſtant Religion*, is notorious by many of his Meſſages and Declarations: What regard hath been to *his Honour and Safety*, when he hath been driven from ſome of his Houſes, and kept from other of his Towns by Force: And what care there hath been of *the Peace of the Kingdom*, when endeavour hath been uſed to put all his Subjects in Arms againſt him, is ſo evident, That his Majeſty is confident he cannot ſuffer by thoſe general Imputations: It is enough that the World knows what he hath granted, and what he hath denied.

For

An. 1642.

For his Majeſty's raiſing Forces, and making Preparations for War, (whatſoever the Petitioners by the evil Arts of the Enemies to his Majeſty's Perſon and Government, and by the Calumnies and Slanders raiſed againſt his Majeſty by them, are induced to believe) all Men may know what is done that way, is but in order to his own Defence. Let the Petitioners remember that (which all the World knows) his Majeſty was driven from his Palace of *Whitehall* for ſafety of his Life; that both Houſes of Parliament upon their own Authority raiſed a Guard to themſelves (having gotten the Command of all the Train-Bands of *London* to that purpoſe) without the leaſt colour or ſhadow of Danger; that they uſurped a Power by their pretended Ordinance (againſt all Principles and Elements of Law) over the whole *Militia* of the Kingdom, without, and againſt his Majeſty's Conſent; that they took Poſſeſſion of his Town, Fort and Magazine of *Hull*, and committed the ſame to Sir *John Hotham*, who ſhut the Gates againſt his Majeſty, and by force of Arms denied entrance thither to his own Perſon; that they juſtified this Act, which they had not directed, and took Sir *John Hotham* into their Protection for whatſoever he had done or ſhould do againſt his Majeſty: And all this, whilſt his Majeſty had no other Attendance than his own menial Servants. Upon this the Duty and Affection of this County prompted his Subjects here to provide a ſmall Guard for his own Perſon; which was no ſooner done, but a Vote ſuddenly paſſed of his Majeſty's Intention to levy War againſt his Parliament (which, God knows, his Heart abhorreth) and notwithſtanding all his Majeſty's Profeſſions, Declarations and Proteſtations to the contrary, ſeconded by the clear Teſtimony of ſo great a number of Peers upon the place, Propoſitions and Orders for Levies of Men, Horſe and Arms, were ſent throughout the Kingdom, Plate and Money brought in and received, Horſe and Men raiſed towards an Army, muſter'd and under Command, and all this contrary to the Law, and to his Majeſty's Proclamation; and a Declaration publiſhed, That if he ſhould uſe Force for the Recovery of *Hull*, or ſuppreſſing the pretended Ordinance for the *Militia*, it ſhould be held levying War againſt the Parliament, and all this done before his Majeſty granted any Commiſſion for the levying or raiſing a Man; His Majeſty's Ships were taken from him, and committed to the Cuſtody of the Earl of *Warwick*, who preſumes under that Power to uſurp to himſelf the Soveraignty of the Sea, to chaſe, fright, and impriſon ſuch of his Majeſty's good Subjects as deſire to obey his lawful Commands, altho he had notice of the legal Revocation of the Earl of *Northumberland*'s Commiſſion of Admiral, whereby all Power derived from that Commiſſion ceaſed. Let all the World now judg who began this War, and upon whoſe account the Miſeries which may follow muſt be caſt; what his Majeſty could have done leſs than he hath done, and whether he were not compelled to make Proviſion both for the Defence of himſelf, and Recovery of what is ſo violently and injuriouſly taken from him? And whether theſe Injuries and Indignities are not juſt Grounds for his Majeſty's fears and apprehenſions of farther Miſchief and Danger to him? Whence the Fears and Jealouſies of the Petitioners have proceeded, hath never been diſcovered: The Dangers they have brought upon his Subjects are too evident; what thoſe are they have prevented, no Man knows: And therefore his Majeſty cannot but look upon that Charge as the boldeſt, and the moſt ſcandalous hath yet been laid upon him, *That this neceſſary Proviſion made for his own Safety and Defence, is to over rule the Judgment and Advice of his great Council, and by Force to determine the Queſtions there depending concerning the Government and Liberty of the Kingdom.* If no other Force had been raiſed to determine thoſe Queſtions than by his Majeſty, this unhappy miſunderſtanding had not been. And his Majeſty no longer deſires the Bleſſing and Protection of Almighty God upon himſelf and his Poſterity, than he and they ſhall ſolemnly obſerve the due Execution of the Laws in the Defence of Parliaments, and the juſt Freedom thereof.

For the Forces about *Hull*, his Majeſty will remove them when he hath attained the end for which they were brought thither. When *Hull* ſhall be reduced again to his Subjection, he will no longer have an Army before it; and when he ſhall be aſſured that the ſame neceſſity and pretence of publick Good, which took *Hull* from him, may not put a Garriſon into *Newcaſtle*, to keep

keep the ſame againſt him, he will remove his from thence, and from *Tinmouth*; till when, the Example of *Hull* will not out of his Memory. 18 *Car.*

For the Commiſſions of Array, which are legal, and are ſo proved by a Declaration now in the Preſs, his Majeſty wonders why they ſhould at this time be thought grievous, and fit to be recalled, if the fears of Invaſion and Rebellion be ſo great, that by an illegal pretended Ordinance it is neceſſary to put his Subjects into a Poſture of Defence, to Array, Train and Muſter them, he knows not why the ſame ſhould not be done in a regular, known, lawful way: But if in the Execution of that Commiſſion, any thing ſhall be unlawfully impoſed upon his good Subjects, his Majeſty will take all juſt and neceſſary care for their Redreſs.

For his Majeſty's coming nearer to his Parliament; his Majeſty hath expreſſed himſelf ſo fully in his ſeveral Meſſages, Anſwers and Declarations, and ſo particularly avowed a real fear of his Safety, upon ſuch Inſtances as cannot be anſwered, that he hath reaſon to take himſelf ſomewhat neglected. That ſince upon ſo manifeſt Reaſons it is not ſafe for his Majeſty to come to them, both his Houſes of Parliament will not come nearer to his Majeſty, or to ſuch a place where the Freedom and Dignity of Parliament might be preſerved. However his Majeſty ſhall be very glad to hear of ſome ſuch Example in their puniſhing the Tumults (which he knows not how to expect) when they have declared, that they knew not of any Tumults, tho the Houſe of Peers deſired, both for the Dignity and Freedom of Parliament, that the Houſe of Commons would join with them in a Declaration againſt Tumults, which they refuſed, (that is, neglected to do) and other ſeditious Actions, Speeches and Writings, as may take that apprehenſion of Danger from him, tho when he remembers the particular Complaints himſelf hath made of buſineſſes of that nature, and that inſtead of inquiring out the Authors, neglect of Examination hath been, when offer hath been made to both Houſes to produce the Authors (as in that treaſonable Paper concerning the *Militia*) and when he ſees every day Pamphlets publiſhed againſt his Crown, and againſt Monarchy it ſelf, as the Obſervations upon his late Meſſages, Declarations and Expreſſes, and ſome Declarations of their own, which give too great Incouragement in that Argument to ill-affected Perſons; his Majeſty cannot with Confidence entertain thoſe Hopes which would be moſt welcome to him.

For the leaving Delinquents to the due courſe of Juſtice; his Majeſty is moſt aſſured he hath been no ſhelter to any ſuch. If the tediouſneſs and delay in Proſecution, the vaſt Charge in Officers Fees, the keeping Men under a general Accuſation without Trial, a whole Year and more, and ſo allowing them no way for their Defence and Vindication, have frighted Men away from ſo chargeable and uncertain an Attendance; the Remedy is beſt provided where the Diſeaſe grew. If the Law be the meaſure of Delinquency, none ſuch are within his Majeſty's Protection. But if by Delinquents, ſuch are underſtood who are made ſo by Vote, without any Treſpaſs upon any known or eſtabliſhed Law: If by Delinquents thoſe nine Lords are underſtood who are made Delinquents for obeying his Majeſty's Summons to come to him, after their ſtay there was neither ſafe nor honourable, by reaſon of the Tumults and other Violences; and whoſe Impeachment, he is confident, is the greateſt breach of Privileg that before this Parliament was ever offered to the Houſe of Peers. If by Delinquents, ſuch are underſtood who refuſe to ſubmit to the pretended Ordinance of the *Militia*, to that of the Navy, or to any other which his Majeſty hath not conſented to, ſuch who for the Peace of the Kingdom, in an humble manner prepare Petitions to Him, or to both Houſes, as his good Subjects of *London* and *Kent* did, whilſt ſeditious ones, as that of *Eſſex*, and other places, are allowed and cheriſhed. If by Delinquents ſuch are underſtood, who are called ſo for publiſhing his Proclamations, (as the Lord Mayor of *London*), or for reading his Meſſages and Declarations (as divers Miniſters about *London*, and elſewhere) when thoſe againſt him are diſperſed with all Care and Induſtry to poiſon and corrupt the Loyalty and Affection of his People. If by Delinquents ſuch are underſtood, who have or ſhall lend his Majeſty Money in the Univerſities, or in any other places; His Majeſty declares to all the World, That he will protect ſuch with his utmoſt Power and Strength, and directs, that in theſe Caſes they ſubmit not to any Meſſengers or Warrants; it

An. 1642. it being no leſs his Duty to protect thoſe who are innocent, than to bring the guilty to condign Puniſhment, of both which the Law is to be Judg. And if both Houſes do think fit to make a General, and to raiſe an Army for defence of thoſe who obey their Orders and Commands; his Majeſty muſt not ſit ſtill, and ſuffer ſuch who ſubmit to his juſt Power, and are ſollicitous for the Laws of the Land, to periſh and be undone, becauſe they are called Delinquents: And when they ſhall take upon them to diſpenſe with the Attendance of thoſe who are called by his Majeſty's Writ, whilſt they ſend them to Sea to rob his Majeſty of his Ships, or into the ſeveral Counties, to put his Subjects in Arms againſt him, his Majeſty (who only hath it) will not loſe the Power to diſpenſe with them to attend his own Perſon, or to execute ſuch Offices as are neceſſary for the Preſervation of himſelf and the Kingdom, but muſt protect them, tho they are called Delinquents.

For the manner of the proceeding againſt Delinquents; His Majeſty will proceed againſt thoſe who have no Priviledg of Parliament, or in ſuch caſes where no Priviledg is to be allowed, as he ſhall be adviſed by his Learned Counſel, and according to the known and unqueſtionable Rules of the Law; it being unreaſonable that he ſhould be compelled to proceed againſt thoſe who have violated the known and undoubted Law, only before them who have directed ſuch Violation.

Having ſaid thus much to the Particulars of the Petition, though his Majeſty hath reaſon to complain, That ſince the ſending this Petition, they have beaten their Drums for Souldiers againſt Him; armed their own General with a Power deſtructive to the Law and Liberty of the Subjects, and choſen a General of their Horſe. His Majeſty out of his Princely Love, Tenderneſs and Compaſſion of his People, and deſire to preſerve the Peace of the Kingdom, that the whole Force and Strength of it may be united for the Defence of it ſelf, and the Relief of *Ireland* (in whoſe behalf he conjures both his Houſes of Parliament, as they will anſwer the contrary to Almighty God, his Majeſty, to thoſe that truſt them, and to that bleeding miſerable Kingdom, That they ſuffer not any Monies granted and collected by Act of Parliament, to be diverted or employ'd againſt his Majeſty, whilſt his Souldiers in that Kingdom are ready to mutiny, or periſh for want of Pay, and the barbarous Rebels prevail by that Incouragement) is graciouſly pleaſed once more to propoſe and require:

That his Town of *Hull* be immediately delivered up to him, which being done, (though his Majeſty hath been provoked by the unheard-of Inſolencies of Sir *John Hotham*, ſince his burning and drowning the Country, in ſeizing his Wine, and other Proviſions for his Houſe; and ſcornfully uſing his Servant, whom he ſent to require them, ſaying, *It came to him by Providence, and he will keep it*; and ſo refuſing to deliver it, with Threats, if he or any other of his fellow-Servants ſhould again repair to *Hull* about it; and in taking and detaining Priſoners divers Gentlemen, and others, in their Paſſage over the *Humber* into *Lincolnſhire*, about their neceſſary occaſions, and ſuch other Indignities, as all Gentlemen muſt reſent in his Majeſty's behalf) his Majeſty, to ſhew his earneſt deſire of Peace (for which he will diſpenſe with his own Honour) and how far he is from deſire of Revenge, will grant a free and general Pardon to all Perſons within that Town.

That his Majeſty's Magazine taken from *Hull*, be forthwith put into ſuch Hands as he ſhall appoint.

That his Navy be forthwith delivered into ſuch Hands as he hath directed for the Government thereof; the detaining thereof after his Majeſty's Directions publiſhed and received to the contrary, and imploying his Ships againſt him in ſuch manner as they are now uſed, being notorious High-Treaſon in the Commanders of thoſe Ships.

That all Arms, Levies and Proviſions for a War, made by the Conſent of both Houſes (by whoſe Example his Majeſty hath been forced to make ſome Preparations) be immediately laid down; and the pretended Ordinance for the *Militia*, and all Power of impoſing Laws upon the Subject, without his Majeſty's Conſent, be diſavowed, without which, the ſame Pretence will remain to produce the ſame Miſchiefs; all which his Majeſty may as lawfully demand, as to live, and can with no more Juſtice be denied him, than his Life may be taken from him.

Theſe

18 *Car.*

Theſe being done, and the Parliament adjourned to a ſafe and ſecure Place, his Majeſty promiſes, in the preſence of God, and binds himſelf by all his Confidence and Aſſurance in the Affection of his People, that he will inſtantly, and moſt chearfully lay down all the Force he ſhall have raiſed, and diſcharge all his future and intended Levies, that there may be a general face of Peace over the whole Kingdom; and will repair to them: and deſires that all Differences may be freely debated in a Parliamentary way, whereby the Law may recover its due Reverence, the Subject his juſt Liberty, and Parliaments themſelves their full Vigour and Eſtimation; and ſo the whole Kingdom a bleſſed Peace, Quiet, and Proſperity.

If theſe Propoſitions ſhall be rejected, his Majeſty doubts not of the Protection and Aſſiſtance of Almighty God, and the ready Concurrence of his good Subjects, who can have no hope left them of enjoying their own long, if their King may be oppreſſed and ſpoiled, and muſt be remedileſs. And though his Towns, his Ships, his Arms, and his Money, be gotten and taken from him, he hath a good Cauſe left; and the Hearts of his People, which, with God's Bleſſing, he doubts not, will recover all the reſt.

Laſtly, If the Preſervation of the Proteſtant Religion, the Defence of the Liberty and Laws of the Kingdom, the Dignity and Freedom of Parliament, and the Recovery and the Relief of bleeding and miſerable *Ireland*, be equally precious to the Petitioners, as they are to his Majeſty, (who will have no quarrel but in defence of theſe) there will be a chearful and ſpeedy Conſent to what his Majeſty hath now propoſed and deſired.

And of this his Majeſty expects a full and poſitive Anſwer by Wedneſday, the ſeven and twentieth of this inſtant *July*: Till when he will not make any Attempt of Force upon *Hull*, hoping in the Affection, Duty and Loyalty of the Petitioners; and in the mean time expects that no ſupply of Men be put into *Hull*, or any of his Majeſty's Goods taken from thence.

Charles R.

OUR expreſs Pleaſure is, That this Petition of the Lords and Commons, with our Anſwer thereto, be read in all Churches and Chappels within the Kingdom of England *and Dominion of* Wales, *by the Parſons, Vicars or Curats of the ſame.*

A Replication of the Lords and Commons aſſembled in Parliament, to his Majeſty's laſt Anſwer ſent by the Right Honourable the Earl of Holland.

THE Lords and Commons in Parliament, having taken into their conſideration his Majeſty's Anſwer to their humble Petition for Peace, delivered by the Earl of *Holland*, Sir *Philip Stapleton*, and Sir *John Holland*, and the Demands which he is thereupon pleaſed to make concerning the ſpeedy and preſent delivery of the Town of *Hull*, the Magazine, the Navy, diſavowing the Ordinance of the Militia, the laying down of all Arms raiſed by Authority of the two Houſes of Parliament, and adjourning themſelves to ſome other place; do beſeech his Majeſty to accept this their moſt humble and juſt Excuſe, that they cannot for the preſent, with the diſcharge of the Truſt repoſed in them, for the Safety of the King and Kingdom, yield to thoſe Demands of his Majeſty. The Reaſon why they took into their Cuſtody the Town of *Hull*, the Magazine and Navy, paſſed the Ordinance of the Militia, and made Preparation of Arms, was for the Security of Religion, the Safety of his Majeſty's Perſon, of the Kingdom and Parliament, all which they did ſee in evident and eminent Danger: From which when they ſhall be ſecured, and that the Forces of the Kingdom ſhall not be uſed to the Deſtruction thereof, they ſhall then be ready to withdraw the Gariſon out of *Hull*, to deliver the Magazine and Navy, and ſettle the Militia by Bill, in ſuch a way as ſhall be honourable and ſafe for his Majeſty, moſt agreeable to the Duty of Parliament, and effectual

An. 1642.

for the Good of the Kingdom, as they have profeſs'd in their late Petition: and for adjourning the Parliament, they apprehend no Reaſon for his Majeſty to require it, nor Security for themſelves to conſent to it. And as for that Reaſon which his Majeſty is pleaſed to expreſs, they doubt not but the uſual Place will be as ſafe for his Royal Perſon as any other, conſidering the full aſſurance they have of the Loyalty and Fidelity of the City of *London* to his Majeſty, and the Care which his Parliament will ever have to prevent any Danger which his Majeſty may juſtly apprehend; beſides the manifold Conveniences to be had there, beyond other parts of the Kingdom. And as for the laying down of Arms, when the Cauſes which moved them to provide for the Defence of his Majeſty, the Kingdom and Parliament, ſhall be taken away, they ſhall very willingly and chearfully forbear any further Preparations, and lay down their Force already raiſed.

Die Jovis 28 Julii, 1642.

ORdered by the Lords in Parliament, That the Petition of the Lords and Commons in Parliament, delivered to his Majeſty the 16th day of July; *together with his Majeſty's Anſwer thereunto, and a Replication of the ſaid Lords and Commons to the ſaid Anſwer, dated the 26th of* July 1642, *ſhall be read in all Churches and Chappels, within the Kingdom of* England *and Dominion of* Wales, *by the Parſons, Vicars, or Curats of the ſame.*

John Browne, *Cler. Parliamentorum.*

Hull beleaguered.

Purſuant to theſe Reſolutions before-mentioned, his Majeſty, with an Army reported to be about 3000 Foot and 1000 Horſe, was in the beginning of *July* removed from *York* to *Beverly*, a Town diſtant from *Hull* ſix miles, intending to beleaguer *Hull* by Land; expecting alſo that Sir *John Pennington*, with ſome of his Ships, ſhould ſtop all Intercourſe by Sea: But the Earl of *Warwick* had ſeized the Navy, and ſent two Ships to help the Town. His Majeſty ſet forth a Proclamation, That none ſhould convey any Relief or Proviſion thither; and his Forces endeavoured, by cutting of Trenches, to divert the Current of freſh Water that ran to the Town: and 200 Horſe were ſent into *Lincolnſhire* to ſtop all Succour from *Burton* upon *Humber*. Sir *John* having the advantage of a Spring-Tide, preſently drew up the Sluce, and laid all the Country about the Town under Water, giving notice to the Country-Men firſt to remove their Cattel and Goods.

Drums were beat up at *London*, and parts adjacent, for Souldiers to be ſent to *Hull* by Sea; and Sir *John Meldrum*, a Scots-man, was appointed to aſſiſt Sir *John Hotham*. The Towns-men generally entred into Pay and Duty, and five hundred under the Conduct of Sir *John Meldrum*, iſſued out (about the end of *July*) upon the King's Forces; whoſe Horſe drew up couragiouſly to receive them, but a great part of their Foot, that conſiſted of the Trained-Bands, were not ſo forward; ſo that his Majeſty's Horſe, and ſtouteſt Men, ſeeing themſelves deſerted, retired as faſt as they could towards *Beverly*. Sir *John Meldrum*, in the purſuit, killed two of them, [The firſt Blood, as ſome ſay, that was ſhed in theſe unnatural Wars; though others reckon the Man killed at *Mancheſter* by the Lord *Strange*'s Company, to be the firſt in that kind] and took about thirty Priſoners.

And ſoon after freſh Supplies being arrived from *London*, he made another Sally, kill'd ſome, and took fifteen Priſoners; and alſo deſtroyed the King's Magazine at *Aulby*, routing the Guards, and taking moſt of their Arms. Yet were not his Majeſty's Forces idle, but burnt three Mills belonging to the Town; raiſed a Fort at *Paul*, a little Town in *Holderneſs* upon the edg of *Humber*, which plaid on the Ships as they ſailed to and fro: But there they broke one of their Guns, and another at *Hazzel*. Another Fort was raiſed upon *Lincolnſhire*-Shore, whither ſending three Pieces of Ordnance in a Yacht, they were intercepted by the *May-Flower* Frigat, and carried into *Hull*. Whereupon, and eſpecially upon the diſappointment of Sir *John Pennington*'s ſtraitning the Town

by

by Sea, his Majeſty calling a Council of War, and conſidering the preciouſneſs of the Time which he conſumed there, reſolved, by their Advice, to raiſe the Blockade before *Hull*, and ſo marched away with his Forces. 18 *Car.*

A Declaration of the Lords and Commons aſſembled in Parliament, for the Preſervation and Safety of the Kingdom, and Town of Hull, *and to ſatisfy ſuch as have their Lands drowned, &c.*

Parliaments Declaration for the preſervation of *Hull*, &c. *July* 12, 1642.

AS in all Endeavours ſince this Parliament began, we intended only the Advancement of his Majeſty's Honour and Safety, and the regainment of the Ancient (though of late Years much invaded) Rights, Laws and Liberties, being the Birthright of the Subjects of this Land, and ſettling of the true Proteſtant Religion (the Glory of our Nation) in Peace and Purity; ſo did we no leſs hope for, and expect his Majeſty's concurrence in thoſe Particulars, they being the very Foundation of his Majeſty's preſent Honour and Greatneſs, and the Fountain of perfect and future Bliſs to himſelf, and all his Loyal Subjects, which too evidently we ſee our ſelves (by the wicked Counſellors, now unmasked, about his Majeſty) not only deprived of, but inſtead thereof open War declared, and proſecuted againſt his Majeſty's Loyal Subjects of *Hull*, and elſewhere in this Kingdom, far unſuitable to ſuch Declarations of Love and Peace, as his Majeſty hath frequently promiſed and publiſhed to the Kingdom, and in particular to the County of *York*, with ſolemn Proteſtations that he would not, nor had it entred his Thought to make War againſt his Parliament; which how agreeable they are to the preſent Courſes of his Majeſty and Counſellors, ſpecially ſince from his Agents abroad he received Proviſions fit for War, which immediately have been put on for execution, we refer to the whole World to judg of.

But however thoſe Promiſes and Proteſtations have been no ſooner made, but broken, and our hope of Peace and Safety thereby wholly diſappointed; yet that it may appear in all Ages to come, that as in Duty we are bound, (the Kingdom having intruſted us) ſo we have not, nor will be found wanting in the leaſt degree of our Care and Providence (God aſſiſting us) for the preſervation of the whole Kingdom, and Town of *Hull*, and the Inhabitants thereof, from Violence and Ruin; though for the effecting thereof, his Majeſty hath proceeded to many hoſtile Preparations and Acts, by having got divers Pieces of great Ordnance, and other warlike Proviſions, both of Horſe and Foot, for the taking in of the ſaid Town, and his other Deſigns, and by cutting off their freſh Water, intercepting and reſtraining of Victuals and other Neceſſaries for their ſubſiſtence and livelihood; as if to obey the Parliament's Commands, (that being Sir *John Hotham*'s Crime) though never ſo much for the Safety of the whole Kingdom, were ſo capital an Offence, as nothing but Death, Ruin and Deſtruction could expiate.

Wherefore We the Lords and Commons in Parliament aſſembled, have thought fit, and do hereby declare, That whereas Sir *John Hotham*, Governour of *Hull*, by the ſpecial Order of the Parliament appointed for that Service, hath been forced, for the prevention of the ſudden Surpriſal, and Deſtruction of the Town and the Inhabitants thereof, to let in ſome Tides from *Humber* upon the Grounds adjoining to the ſaid Town, which for the preſent could not otherwiſe have been ſecured: We do therefore hereby promiſe and aſſure all and every ſuch Perſon and Perſons whatſoever, either the Owners, or Farmers of any the ſaid Grounds, which ſhall be impaired by this over-flowing of the Water, full and ample ſatisfaction for all ſuch Loſs as they, or any of them, ſhall thereby ſuſtain, except ſuch Perſons only, as formerly have been, now are, or hereafter ſhall be found the ſtirrers up, Abettors, or furtherers of any ſuch Way or Means, as have, or may conduce to the endangering or annoyance of the ſaid Town of *Hull*, or the Governour thereof, in his Service and Duty therein, or ſhall any way diſturb the Peace and Safety

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of the ſaid Town, or any the Inhabitants thereof, who ſtand well-affected thereto.

And We do alſo declare, That We, the Lords and Commons in Parliament aſſembled, will not only protect, ſecure, and ſave harmleſs all and every ſuch Perſon and Perſons whatſoever, as have or ſhall, either by Sea or Land, provide, furniſh, or deliver any Proviſion of Victual, Beer, or other thing whatſoever, for the Relief and Safety of the Gariſon of *Hull*, but ſhall alſo make good paiment for the ſame, and thankfully accept thereof, as good Service done to the Kingdom; any pretended Warrant iſſued, or hereafter to be iſſued out, under the colour of any Name or Authority whatſoever to the contrary notwithſtanding.

And foraſmuch as we are informed that ſome of the Inhabitants of *Hull* ſtand firmly reſolved in their good Affections to the Service, and ſafe keeping of the ſaid Town, for the Good of the King and Kingdom, We thought fit alſo to declare, That all ſuch of the Inhabitants thereof, as ſhall continue well-affected to the ſaid Service, and ſtand cloſe in their Fidelity and Aſſiſtance to the Governour thereof, we do hereby aſſure and promiſe them, That they ſhall receive from us Protection and Encouragement anſwerable to ſuch a Service as will be very acceptable unto us, in reſpect of the importance of it, for the Preſervation of Religion, and Safety of this Kingdom.

And laſtly; We do declare our Acknowledgment, Acceptance, and Approbation of that prudent Valour, Vigilancy and Faithfulneſs of the Governour, Officers and Souldiers employed in the ſaid Town, both for the diſcovery of Plots formerly contrived for the betraying of the ſaid Town, and their undaunted Reſolutions to keep the ſame againſt whomſoever, for the Service of his Majeſty and Kingdom. And do promiſe and aſſure them, That every particular good Service done, or to be done, by any Commander or Souldier, ſerving, or to ſerve therein, ſhall be rewarded, as ſhall anſwer the Greatneſs of this Kingdom, and the Quality of the Service.

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CHAP. VI.

Being Paſſages happening at *York*, and Petitions from ſeveral Counties, during his Majeſty's Reſidence in and about that City, 1642. to return to the Parliament.

To the King's Moſt Excellent Majeſty,

The Humble Petition of the Gentry, Miniſters, and Freeholders of the County of York, *now aſſembled at the Aſſizes there holden.*

Moſt humbly ſheweth;

The *Yorkſhire* Petition to the King, *April* 5. 1642.

THat altho the piercing Anguiſh of our Souls, proceeding from the general Diſtractions of this Kingdom, be eaſed by the Comfort of your Majeſty's Royal Preſence, and Gracious Confidence in the Affections of this County, which hath filled our Hearts with Hopes, and our Tongues with Joy; yet the fellow-feeling of the paſſionate Sorrows, and Heart-breaking Apprehenſions, which over-whelms the other parts of this Afflicted Kingdom, doth enforce us (after the humble Tender of our Lives and Fortunes, for the Safety and Aſſurance of your Majeſty's Royal Perſon, Crown, Honour and Eſtate, juſt Prerogative and Soveraignty in any Capacity, wherein we may ſerve your Majeſty according to the Laws) to follow that Sacrifice of bounden Duty, with our earneſt Prayers and Petitions, which ſhall not cry in your Princely Ears for Help to almoſt-ruin'd *Ireland*, nor implore your Majeſty's Concurrence for the Propagation of the Proteſtant Religion, and ſuppreſſing of Popery, ſince your Majeſty's Gracious Declaration of your Self in theſe Particulars, renders it an unpardonable Crime, to deſire farther Aſſurance, or Addition to your Majeſty's own Words, ſacred before God and Man; but emboldned by your Royal Reſolution declared, to take away, not only the juſt Fears, but alſo the Jealouſies of your Loyal Subjects, and enforced by that infallible Oracle of Truth, *That a Kingdom divided cannot ſtand*; We, from the Centre of every one of our Hearts, moſt earneſtly ſupplicate, That your Majeſty (being moſt intereſted in the flouriſhing State and Union of your Dominions, and by long Experience in Government, beſt acquainted with Prevention of Dangers, and Remedy of Evils) will be graciouſly pleaſed to declare ſuch fit Means and Expedients as may take away all Diſtances and Miſunderſtandings betwixt your Majeſty and your Great Council; to whom we will alſo addreſs our ſelves for ſuch Endeavours on their parts, as may beget in your Majeſty a Confidence in their Counſels, and that bleſſed Union, ſo neceſſary to this perplexed Kingdom, and moſt deſired by us, and all your Majeſty's loving and faithful Subjects.

And your Petitioners ſhall ever pray for your Majeſty's long and proſperous Reign, *&c.*

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His Majeſty's Speech to the Sheriff, Gentry, Miniſtry, and Freeholders of the County of York, *when they preſented to him their Petition.*

April 5, 1642. The King's Speech at the preſenting thereof.

Mr. Sheriff, and Gentlemen;

"I Believe you expect not a preſent and particular Anſwer to your Petition, becauſe it is new to me; only in general, I muſt tell you, That I ſee by it, that I am not deceived in the Confidence I have in the Affections of this County to my Perſon and Eſtate; and I aſſure you, that I will not deceive your Confidence, which at this time you have declared in your Petition to have in me; and I am glad to ſee that it is not upon miſtaken Grounds, as other Petitions have been to me, ſince I came to this place: concerning which, let me obſerve unto you, That my Anſwers were to clear thoſe Miſtakings; for I never did go about to puniſh, or diſcourage them from petitioning to me in an humble way, though the Subject did not agree with my Senſe: Albeit, within the Memory of Man, People have been diſcouraged, and threatned to be puniſhed for Petitions.

"I obſerve that your Petition is ſo modeſt, that it doth not mention any Particular for your own good, which indeed I expected, as knowing that in ſome Particulars you have reaſon ſo to do; And therefore, that you may not fare the worſe for your Modeſty, I will put you in mind of three Particulars, which I conceive to be for the good of this County.

"The firſt is, concerning your Trained-Bands, to reduce them to a leſſer number, for which I confeſs to ſtand engaged by Promiſe to you, which I had performed long ſince, if I had been put in mind of it: And now I tell you, ſhew me but the way, and (when you ſhall think fit) I ſhall inſtantly reduce them to that number, which I promiſed you two Years ago.

"The ſecond is, That which is owing to this County for Billet-Money; the truth is, that for the preſent I cannot repay it, only I will ſay this, That if all the Water had gone to the right Mill, (upon my word) you had been long ago ſatisfied in this Particular. And ſo I leave you to your Diſcretions, which way you will adviſe, and aſſiſt me to comply with the Engagements to you in this Point.

"The third is, That for which I was petitioned as I came up the laſt Year, both by the Lord Mayor and Aldermen of this City, and likewiſe by divers others of this County, as I went Southward, and that is concerning the Court of *York*. And firſt, let me tell you, That as yet I know no legal Diſſolution of it; for hitherto formally there is nothing come to me, either directly or indirectly, for the taking of it away: therefore I may ſay, it is rather ſhaken in pieces than diſſolved. Now my deſire is, in compliance to what I anſwered the laſt Year unto the ſeveral Petitions delivered unto me upon this Subject, That you would conſult and agree among your ſelves, in what manner you would have the Court eſtabliſhed moſt to your own Contentments, and to the good of all theſe Northern Parts, in ſuch a legal way, as that it may not be juſtly excepted againſt: and I aſſure you, in the word of an honeſt Man, that you ſhall not blame me, if you have not full Satisfaction in it.

"Within a day or two you ſhall have a particular Anſwer to your Petition, which ſhall be ſuch an one, as I am confident will give you good Satisfaction, and put you into ſuch a way, as, I hope, may produce good Effects to the good of all this Kingdom.

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His Majesty's Answer to the aforesaid Petition of the Gentry, Ministers, and Freeholders of the County of York.

April 7, 1642. His Majesty's Answer to that Petition.

HIS Majesty, according to his Promise made to you at the delivery of this Petition, hath commanded me to subscribe this Answer.

"IN the first place; He is glad to see, That what you say concerning the "Relief of his distressed Subjects in *Ireland*, and the Propagation of the true "Religion amongst us against all Superstition of Popery, is only to shew your "Confidence in his Princely Word; wherein he again hath commanded me to "assure you, That he will neither deceive your Trust, nor wrong himself so "much, as not to be very punctual in performance of the Engagements he hath "already made concerning those Particulars; which, besides the performance "of his Word (which he holds most dear unto him) his own Inclination na-"turally induces him unto.

"Now concerning the Prayer of your Petition, his Majesty doth graciously "interpret, That your desiring him to declare such fit Means and Expedients as "may take away all Distance and Misunderstandings betwixt his Majesty and "his Great Council, is no otherwise than to have the more authentick Ground, "and the better Direction which way to carry your selves in your Addresses to "the Parliament for that Effect. And therefore his Majesty assures you, that "not only the best, but (as he conceives) the sole way for this good Under-"standing between his Majesty and his Parliament, (which he assures you, that "he no less desires than your selves) is, That the Parliament will take his "Majesty's Message of the 20*th* of *January* last into Consideration speedily, "seriously and effectually; and that the *Militia* of this Kingdom may be settled "by Act of Parliament, according to his Majesty's Explanation of his Answer "concerning the *Militia*, which he made in his Answer returned to both Houses, "upon the Petition presented to him the 26*th* of *March* last. And therefore his "Majesty desires you to take those Answers and that Message into your serious "Consideration, and thereupon to proceed (according to the Intimation in "your Petition) in your Addresses to the Parliament, as you shall judg fittest "for the Good of this Kingdom, and the Expressions of your Duty and "Affection to his Majesty's Person and Estate.

At the Court at *York*, *April* 7, signed by Mr. Secretary *NICHOLAS*.

Names of the Parliament's Committee at *York*.

The King having summoned the Gentry of *Yorkshire* to appear *May* the 12*th*, and a Committee of Parliament, consisting of four Members of the House of Commons, *viz. Ferdinando* Lord *Fairfax*, Sir *Hugh Cholmley*, Sir *Philip Stapleton*, and Sir *Henry Cholmley*, being come thither with an Answer of the two Houses touching the business of *Hull*; His Majesty ordered them to return back with his Reply, but they excused their Stay, because commanded so to do by the Parliament that imployed them; whereupon his Majesty took some notice of their Continuance there in his Speech to the Gentry on the said 12*th* of *May*, where he spake as followeth.

His Majesty's Speech to the Gentry of Yorkshire, *May* 12, 1642.

Gentlemen;

"I Have cause of adding, not altering what I meant to say. When I gave out "the Summons for this day's Appearance, I little thought of these Messen-"gers, or of such a Message as they brought; the which, because it con-"firms me in what I intend to speak, and that I desire you should be truly in-"formed of all Passages between Me and the Parliament, you shall hear read "first my Answer to the Declaration of both Houses concerning *Hull*, the "Answer of the Parliament to my two Messages concerning *Hull*, together "with my Reply to the same, and my Message to both Houses, declaring the "Reasons why I refused to pass the Bill concerning the *Militia*.

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"I will make no *Paraphraſes* upon what you have heard, it more befitting a "*Lawyer* than a *King*, only this Obſervation, ſince Treaſon is countenanced ſo "near me, it is time to look to my Safety. I vow it was part of my wonder, "that Men (whom I thought heretofore diſcreet and moderate) ſhould have "undertaken this Employment, and that ſince they came, (I having delivered "them the Anſwer you have heard, and commanded them to return perſonally "with it to the Parliament) ſhould have flatly *diſobeyed* me, upon pretence of the "Parliament's Commands. My end in telling you this, is to *warn you of them*; "for ſince theſe Men have brought me *ſuch a Meſſage*, and diſobeyed ſo lawful "a Command, I will not ſay what their Intent of ſtaying here is, only I bid "you take heed, not knowing *what Doctrine* of Diſobedience they may preach "to you, under colour of obeying the Parliament. Hitherto I have found and "kept you quiet, the enjoying of which was a chief Cauſe of my coming hi-"ther, (Tumults and Diſorders having made me leave the South) and not to "make this a *Seat of War*, as Malice would (but I hope in vain) make you be-"lieve: Now if Diſturbances come, I know whom I have reaſon to ſuſpect.

"To be ſhort, You ſee that my Magazine is going to be taken from me, "(being my own *proper* Goods) directly againſt my Will; the Militia againſt "Law, and my Conſent, is going to be put in Execution. And, laſtly, Sir *John* "*Hotham*'s Treaſon is countenanced. All this conſidered, none can blame me to "apprehend Danger. Therefore I have thought fit (upon theſe real Grounds) "to tell you, that I am reſolved to have *a Guard* (the Parliament having had "one all this while upon imaginary Jealouſies) only to ſecure my Perſon; in "which I deſire your Concurrence and Aſſiſtance, and that I may be able to "protect you, the Laws, and the true Proteſtant Profeſſion, from any Affront "or Injury that may be offered; which I mean to maintain my Self without "Charge to the Country, intending no longer to keep them on foot, than I "ſhall be ſecured from my juſt Apprehenſions, by having Satisfaction in the "Particulars before-mentioned.

Touching theſe Propoſitions, the Gentry and Free-holders of the County, being divided, returned ſeveral Anſwers. Some wholly complying therewith in theſe Terms.

To the King's moſt Excellent Majeſty.

York 1649. May 13.

WE *Knights and Gentlemen*, whoſe Names are ſubſcribed, do unanimouſly preſent this our Anſwer to your Majeſty's Propoſitions, concerning the *raiſing a Guard of Horſe*, for the Security and Defence of your Sacred Perſon.

To which Propoſition, as we conceive our ſelves bound by Allegiance, we willingly concur, for that purpoſe humbly deſiring, That the aforeſaid Guard may be r iſed by Legal Authority: And likewiſe that it may conſiſt of Perſons unqueſtionable in their Religion, and Gentlemen.

The Subſtance of his Majeſty's Anſwer to theſe Gentlemen.

HIS Majeſty gave them *Thanks*, for it appeared a ſatisfactory Anſwer; and in it they had ſhewed great Circumſpection and Wiſdom, by chuſing ſuch whoſe Loyalties could not be queſtioned, by *excluding Recuſants*, and all ſuſpected to be Diſaffected.

Another Anſwer was returned in theſe words.

The humble Anſwer of the Gentry of the County of York.

That they will ſerve his Majeſty as far as they ſhall be legally enabled

ACcording to your Majeſty's Command, to your Majeſty's Propoſition, we profeſs our willingneſs, as in Duty we are bound, to defend your Majeſty's Sacred Perſon, againſt all Foreign and Domeſtick Attempts to the uttermoſt of

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of our Power, and as our Allegiance binds us; and for the keeping of your Majeſty's Honour, touching the Buſineſs of *Hull*, your Majeſty being pleaſed to commend it to your Parliament, the High Council of your Kingdom, we do humbly crave pardon that we do not interpoſe. But foraſmuch as your Majeſty may look for a particular Satisfaction at our Hands, we humbly and heartily profeſs, That we ſhall be ready to ſerve your Majeſty in the ſame, and all other Occaſions, with our Lives and Fortunes, as far as your Majeſty ſhall be pleaſed legally to enable and command us.

A third Sort gave this Anſwer.

The humble Anſwer *of thoſe who petitioned your Majeſty the fifth of* April, *and of divers other Knights and Gentlemen.*

May it pleaſe your moſt Excellent Majeſty;

A third Anſwer, deſiring his Majeſty to hearken to the Advice of his Parliament.

WE ſhall be ready to defend your Majeſty's Perſon from Violence, by all ſuch ways, as the Law and our Duties bind us: And for the means to vindicate your Majeſty's Honour, and to put you into the Poſſeſſion of your own, we conceive that the beſt Advice that we can offer unto your Majeſty, is, humbly to deſire you to hearken to the Counſels of your Parliament, who (we aſſure our ſelves) will be careful of your Majeſty's Perſon and Honour, and to whom your Majeſty hath been already pleaſed to direct a Meſſage to that purpoſe.

A fourth Anſwer was made in the Tenour following.

The Anſwer to his Majeſty's Propoſitions of the Gentlemen and Freeholders, which ſubſcribed the ſame at the Dean's Houſe, where the Sheriff was.

May it pleaſe your moſt Sacred Majeſty;

THE Propoſitions delivered to us Yeſterday from your Majeſty, are of ſo *high Concernment* to the Weal and Peace of the whole Kingdom, and do ſo nearly touch upon the Affection and Fidelity of all your Subjects in general, as we, being *but a Part of one County only*, do not conceive it *ſafe for us to Adviſe therein*, but rather humbly to beſeech your Majeſty to *impart the Grounds of your Majeſty's Fears and Jealouſies* to your *High Court of Parliament*, of whoſe moſt loyal Care and Affection to your Majeſty's Honour and Safety, and the Proſperity of your Subjects and Dominions, we are moſt confident: And whatſoever ſhall be adviſed by your Great Council therein, we ſhall moſt willingly imbrace and give our Concurrence and Aſſiſtance to, as ſhall become us; in whoſe Fidelity and Affection your Majeſty hath often declared eſpecial Truſt. And albeit we do not preſume to adviſe your Majeſty in that particular, being of *tranſcendent Conſequence*; nevertheleſs in behalf of thoſe Members of Parliament lately employed to attend your Majeſty from both Houſes, being all of them Gentlemen of Quality and Eſtate in this County, and truſted to ſerve in that moſt Honourable Aſſembly, we humbly crave your Majeſty's leave to expreſs *our Confidence in their unſtained Loyalty* and Affection to your Majeſty to be ſuch, as your Majeſty may ſecurely *admit their Attendance to negotiate their Employments*, until they be recalled by the Parliament. And for their Fidelity, we do all engage our ſelves to your Majeſty, and we are moſt aſſured, that your Royal Perſon ſhall be ſecure in the general Fidelity of your Subjects of this County, without any extraordinary Guard.

Fears and Jealouſies.

That the King will admit the Committee of Parliament ſtill to attend him at *York*.

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His Majeſty's Reply to this, returned by the Sheriff.

The King's Reply to the laſt Anſwer.

HIS Majeſty expects the like Affection from them, that he doth from the other Gentlemen; and that he hath the ſame Confidence in you, that he hath in the other.

To the King's moſt Excellent Majeſty,

The humble Petition of many Thouſands of your Majeſty's peaceably-affected Subjects of the County of York.

Humbly ſheweth,

May 13. 1642. A Petition of the peaceably-affected Subjects of the County of *York*.

THat many of your Petitioners, being in their late deſires of petitioning your Majeſty, denied Acceſs, kept back with Violence, and receiving great Affronts from ſome that have dependency on your Majeſty, and others there aſſembled; yet no Provocation could remove them from their Patience and Duty: Which Proceedings are the more taken to heart, your Petitioners conceiving it undeniable, that they have an Intereſt in the Common-Wealth, and are as Dutiful and Loyal Subjects to your Majeſty as whomſoever, tho divers of them have been ſince uncivilly preſt by ſome, in your Majeſty's Name, to ſubſcribe a Paper, ſtiled, *The humble Anſwer to your Majeſty's Propoſitions*, and threatned thereto; upon which Blows followed: And that when your Majeſty's Army ſhould be on foot, thoſe ſhould be firſt pillaged that refuſed ſuch Subſcription; which we humbly conceive is poſitively contrary to your Majeſty's own Expreſſions; and to the high Diſhonour of your Majeſty, and the great Affrightment and Diſturbance of your Majeſty's Liege People. Therefore your Petitioners having too juſt cauſe to fear your Majeſty's Royal Heart is ſtill endangered to be poſſeſſed with ſome diſtaſte of your Petitioners; your Petitioners humbly ſupplicate your Majeſty to conceive better things of them, and to caſt your Eye upon the preſent State of this your Kingdom, that as your Majeſty hath often declared your Affection to this County, ſo now your Love might be expreſſed in preſerving the Peace thereof; and that your Majeſty would admit of a right Information of the clear Intentions of your Petitioners, who are confident that no ſo abſolute and hearty obſervance to your Majeſty's juſt Commands, can be demonſtrated as what your Majeſty in Parliament ſhall declare, which if it become divided, (as God forbid) our Hearts even tremble to conſider what Dangers and Diminution of Honour and Safety your Majeſty's Poſterity and Kingdoms will unavoidably be put upon; ſince it is clear to every underſtanding, that it is not a divided part of one, or ſeveral Counties that can afford that Honour and Safety to your Majeſty as the whole Kindom, which you may command; no ground or fear of Danger remaining, if a good Confidence were begot betwixt your Majeſty and Parliament, whoſe grave and legal Counſels are, as we humbly conceive, the viſible way, under God, to put a ſpeedy End to the Troubles of *Ireland*, and eſtabliſh your Throne in Righteouſneſs. And laſtly, Your Petitioners do moſt humbly ſupplicate, that we may repreſent our unfitneſs to become Judges betwixt your Majeſty and Parliament in any thing or diſpute the Authority of either, which they humbly conceive do fortify each other, it being moſt unfit for them to act any thing therein, but by their Prayers for a right Underſtanding between your Majeſty and Them, which we ſhall heartily do, as alſo for your Majeſty's long and proſperous Reign; and as we are bound by our late Proteſtation, ſhall be ready to maintain your Majeſty's juſt Rights, the Privileges and Power of Parliament, and the lawful Liberty of the Subjects.

The

18 *Car.*

The King's Anſwer by Secretary Nicholas, *to the Petition of the Freeholders at the Court of* York, *May* 13, 1642.

HIS Majeſty having, with ſome Care, conſidered this Petition, being the firſt of this nature that hath been preſented to him; wherein any appearing well-affected to his Service (tho he hath heard of many in the contrary) have miſdemean'd themſelves, hath commanded me to give you this Anſwer.

The King's Anſwer.

That he doth totally diſlike Proceedings complained of in the Petition, and expects that you, and all others his loyal Subjects, ſhall reſt ſatisfied with his ſeveral gracious Declarations, and conſtant, peaceable Practice towards his People to the contrary; and, for farther aſſurance, upon juſt Proof made againſt any Man, who hath committed any Violence in Words or Actions, (without juſt Provocation) full Reparation ſhall be given to the Parties injured. As for the reſt of this Petition, his Majeſty ſaith, that it is ſo confuſed, that he doth not not well know what poſitive Anſwer to give it, and the rather, becauſe it is grounded upon Miſinformation, both of his Majeſty Proceedings and Intentions; as in particular his Majeſty ſaith, He never intended to have you to be Judges betwixt Him and his Parliament. And for the other part of this Petition, he refers to his Meſſages, Declarations and Anſwers, whereby it will clearly appear, that his Deſire and Intention is, only the preſerving the true Proteſtant Profeſſion, the Laws of the Land, the Liberty of his People, the Peace of the Kingdom, and the Peace of this County in particular.

The Proteſtation of the Freeholders, May 13, 1642.

The Freeholders of *Yorkſhire* their Proteſtation, *May* 13.

WHereas his Majeſty hath been pleaſed to give Summons to the Gentry of this County to attend him at his Court at *York*, the 12*th* of *May* inſtant, to adviſe with him in ſome Particulars, concerning the Honour and Safety of his Majeſty's Perſon, and the Well-being and Peace of this our County; and in the ſaid Summons, was pleaſed to omit the Freeholders of this County, out of a tender Reſpect of putting them to any extraordinary Charge; yet we, conſcious of our ſincere Loyalty to his Majeſty, our Gracious Soveraign, and conſidering our ſelves, according to the Proportions of our Eſtates, equally intereſted in the common Good of the County, did take Boldneſs to come in Perſon to *York*, and were ready to attend his Majeſty's Pleaſure there. And whereas his Majeſty was pleaſed then to propound ſeveral things to the purpoſe aforeſaid, at the meeting of the County, to conſider a fit Anſwer to return to his Majeſty thereupon; the Doors of the Meeting-houſe were ſhut up againſt us, we utterly excluded; and in our Abſence a *Referee* of Knights and Gentlemen choſen without our Knowledg, or Conſent, to draw up the ſaid Anſwer. We the Freeholders who petition'd his Majeſty the day aboveſaid, conceiving our ſelves abundantly injur'd in the Election (not knowing any Warrant by Writ, or otherwiſe for the ſame) of the ſaid *Referee*, and that we ought not however to be concluded by any Reſolution of theirs, without our Aſſent in their Election, do abſolutely proteſt and declare againſt the ſaid Election, and as far as concerns us, diſavow whatſoever ſhall be the Reſult of their Conſultation thereupon; and do deſire a new and fair Election of a *Referee* may be made, we admitted to our free Votes in the ſame, and ſome one or more to be nominated by us, allow'd to deliver our ſenſe for us at another Meeting; and that we ſhall not make good in the leaſt reſpect any thing whatſoever, which ſhall otherwiſe be concluded upon.

An. 1642.

A Letter from the Right Honourable Ferdinando *Lord* Fairfax, *Sir* Hugh Cholmly, *Sir* Philip Stapleton, *Sir* Henry Cholmly, *Committees of the Commons Houſe of Parliament, reſiding at* York.

May 13, 1642. A Letter from the Commitee at *York*, complaining of being affronted.

SIR,

IN our laſt, we gave you an account of our firſt and ſecond waiting on the King; we wrote to you then, that his Majeſty commanded us to attend him yeſterday, being Thurſday, to hear what he ſaid to the Gentlemen, which a little before the Meeting, he ſeconded by a particular Meſſage: being come thither, his Majeſty cauſed the ſeveral Meſſages between Him and the Parliament, mentioned in this incloſed printed Paper, to be read.

This was done with much Humming and Applauſe of the King's Meſſages, by ſome Perſons who had placed themſelves near about where the King ſtood; but when any thing from the Parliament came to be read, with ſo much *hiſſing* and reviling the Parliament, that tho in Reſpect and Duty to the King's Perſon, we could not reſent it, as otherwiſe we ſhould have done, yet have ſince expoſtulated, and complained of it to his Majeſty. Some were ſo bold as to ſay openly, That the Parliament-Men ſhould ſet their Houſe in order, for many of them ſhould ſhortly have their *Heads off*; one of which (as ſince we are credibly informed) was one *Hurſt* a Servant to one Mr. *William Crofts*. In this which was ſaid by the King, you will ſee what reaſon we had to vindicate our ſelves, and therefore we immediately repaired to the Dean's Houſe with all the other Gentlemen, and there we took notice of the rough Uſage we had received; we told them it was neither Diſcretion nor Diſobedience in us (as his Majeſty was pleaſed to call it) to deliver the Parliament's Meſſage, or to ſtay here, though commanded to the contrary, ſince we conceived no Man needed to be ſatisfied in ſo clear a Caſe as this; that every Member of each Houſe ought to obey their Commands, when they were pleaſed to employ them: But ſince his Majeſty thought fit to bid them take heed of us, not knowing what Doctrine of Diſobedience we might preach to them, under colour of obeying the Parliament, we appealed to every Man, whether we had in Word or Deed, in publick or in private, done any thing that became not honeſt Men, and Perſons employed from the Parliament, That we had communicated our Inſtructions to his Majeſty, being that we would avow all our Actions, and that we were confident it would not be ſaid, we had trangreſſed them: This was very well taken and juſtified by the Country. Yeſterday there came divers thouſands of Freeholders to this City, tho none but the Gentry were ſummoned; but receiving a Command from the King not to come to Court, they forbore, and ſtaid in the Caſtle-yard, yet ſent this Petition incloſed to his Majeſty, and received the Anſwer annexed thereunto. There was likewiſe a Committee of twelve Gentlemen appointed yeſternight to conſider of drawing up an Anſwer to the King's Propoſition concerning a Guard: but nothing could then be done, becauſe it was paſt three a Clock before the Gentlemen were admitted to the King. This Morning the Freeholders aſſembled again in the Caſtle-yard, and there they made this Proteſtation incloſed, of their Right of voting in what concerneth the Peace of the Country, as having their Intereſt therein.

When we all met this Morning again at the Dean's Houſe, we who are your Committee received this Meſſage by Sir *Edward Stanhop*, that he came from his Majeſty to command us, that we ſhould depart from this Meeting; and if we did ſtay, his Majeſty would judg us guilty of that he ſpake on yeſterday, which was tampering; notwithſtanding which Command, we read the fourth Article of our Inſtructions to the whole Company, that being pertinent to the Buſineſs we were then upon, and deſired them to conſider, whether the Parliament had not expreſſed therein ſuch a Care of the King's Safety, that there would be little need of Guards: We told them we had a good right of being there as Freeholders of the County, but that in Obedience to the King we would depart for this time; but whenſoever there ſhould be occaſion of our being there,

there, in purſuance of our Inſtructions and Commands from the Parliament, we ſhould be ready. The whole Company received great Satisfaction, and deſired a Copy of that Inſtruction which we gave them. We were the more willing at that time to go from thence, becauſe we ſhould not only give Obedience to the King's Command, which otherwiſe he would have ſaid we conſtantly diſobeyed; but becauſe the Committee of twelve appointed yeſternight were then to withdraw, ſo that there was nothing for the preſent for us to do; we immediately went to the King, and beſought him, that ſince we were continually ſo diſcountenanced by him in the face of our County, that he would be pleaſed to let us know in particular, wherein we had given the occaſion; for we otherwiſe conceived we were deprived of that Liberty which was our due, in reſpect of that Intereſt we had here. His Majeſty was pleaſed to tell us, That if we would lay aſide that condition of Committees from the Parliament, he would not hinder us to be there as Gentlemen of the County: We humbly replied, that we could not lay that down, nor could we be abſent from any Meeting where our Preſence was required for the Service, as Committees from the Parliament. To which his Majeſty ſaid, That indeed he thought we could not lay it down, neither that it was reaſonable we ſhould have Votes, and be in a double Capacity. The Committee hath been together moſt part of this day, but not agreeing; ſix of them have drawn up this Anſwer incloſed, which they have communicated to the Gentlemen and Freeholders. The greater part of the Gentlemen, and all the Freeholders have agreed to, and ſubſcribed it: The other ſix have concluded upon this other Anſwer, conſenting to a Guard of Horſe; but this we do not hear that they have gotten many Names to, nor can we get a Copy of thoſe Names as yet, tho theſe be very few; yet whether they can bring in any Horſe or no, we cannot yet judg. The King hath received both theſe Reſolutions, which with his Anſwers to them, you ſhall likewiſe have here incloſed. His Majeſty had declared himſelf yeſterday, that he would raiſe that Regiment which was Sir *Robert Strickland's* for his Foot-Guard, but he hath now laid aſide that Reſolution. The Freeholders of the County are newly ſummoned to attend his Majeſty about a Week hence, the three Ridings upon three ſeveral days, but for what Service we do not know.

18 Car.

Sir, you have here at large a Narrative of the Paſſages at this Meeting, what Dangers this poor Country lies under, we humbly refer it to you to judg, not taking upon us to deliver any Opinion. The Buſineſs laſted ſo long, that it hindred us from giving a more ſpeedy account. Sir, this is what at this time is ſent from,

Your aſſured Friends and Servants,

York, May 13, 1642.

Fer. Fairfax, *Hugh Cholmly*,
Philip Stapleton, *Hen. Cholmly.*

By the KING.

'WHereas upon *Summons from Us*, divers Gentlemen of this our County 'of *York* did *attend* us upon Thurſday the *twelfth* of this Inſtant *May*, 'when we declared our Reſolution for the Reaſons then delivered by us to have '*a Guard* to ſecure and defend our Perſon; and deſired therein the *Concurrence* 'and *Aſſiſtance of the Gentry* of *this County*. And whereas divers Gentlemen of 'this County for many Reaſons and Occaſions, could not then appear to receive 'our Pleaſure on that behalf, whereunto divers have ſubſcribed; we have there-'fore thought good hereby to give notice as well to thoſe Gentlemen who were 'not then preſent, as to thoſe who did then attend us, that our Command is, 'That as well thoſe Gentlemen who are charged with Horſe, as others, appear 'at *York*, upon Friday the *20th* of this Month, in ſuch Manner and Equipage as 'will be convenient *for the Guard of our Perſon*. And we require and command, 'That in the *interim*, no other Warrants or Commands whatſoever ſhall diſtract 'or hinder this our Service. And we further will and command, that this our

May 14. The King's Warrant for the Gentry, *&c.* to appear the 20*th* of *May* at *York*.

'Order

An. 1642.

'Order be forthwith publiſhed by the Sheriff of this our County; for which 'This ſhall be a ſufficient Warrant.

'Given at our Court at *York*, the 14*th* of *May*, in the Eighteenth Year of 'our Reign, 1642.

To our Truſty and Well-beloved the Gentry of Yorkſhire, *and others of this our County of* York, *whom it doth or may concern.*

His Majeſty's Letter to the Gentry of *Yorkſhire*, May 16 1642.

"WE have with great Contentment conſidered your dutiful and affectionate Anſwer to our Propoſition, concerning the unſufferable Affront "we received at *Hull*, we have not been deceived in that Confidence we had in "your Affection; wherefore we deſire you to aſſure the reſt of your Country-"men, who through negligence were omitted to be ſummoned, That we ſhall "never abuſe your Love by any Power wherewith God ſhall enable us, to the "leaſt Violation of the leaſt of your Liberties, or the Diminution of thoſe "Immunities which we have granted you this Parliament, tho they be beyond "the Acts of moſt (if not all) our Predeceſſors: being reſolved with a con-"ſtant and firm Reſolution to have the Law of this Land duly obſerved, and "ſhall endeavour only ſo to preſerve our juſt Royal Rights as may enable us to "protect our Kingdom and People, according to the ancient Honours of the "Kings of *England*, and according to the Truſt which by the Law of God and "this Land is put into the Crown, being ſufficiently warned by the late "Affront at *Hull*, not to transfer the ſame out of our Power. Concerning "which Affront we will take ſome time to adviſe which way we may uſefully "imploy your Affections. In the mean time we ſhall take it well from all ſuch "as ſhall perſonally attend us, *ſo followed and provided*, as they ſhall think fit for "the better Safety of our Perſon, becauſe we know not what ſudden Violence "and Affront may be offered unto Us, having lately received ſuch an actual "Teſtimony of rebellious Intentions, as Sir *John Hotham* hath expreſſed at *Hull*. "Being thus ſecured by your Affections and Aſſiſtance, We promiſe you our "Protection againſt any contrary Power whatſoever. And that you ſhall not "be moleſted for your humble and modeſt Petition, as of late you have been "threatned.

Given at our Court at *York*, *May* the 16*th*, 1642.

Die Martis, 17 *Maii* 1642.

The Parliament's Declaration againſt Subjects attending the King at his pleaſure.

THE Lords and Commons in Parliament do declare, That it is againſt the Laws and Liberties of the Kingdom, That any of the Subjects thereof, ſhould be commanded by the King to attend him at his Pleaſure, but ſuch as are bound thereto by ſpecial Service: And that whoſoever upon pretence of his Majeſty's Command ſhall take Arms, and gather together with others, in a warlike manner, to the Terror of the King's People, ſhall be eſteemed Diſturbers of the publick Peace, and to do that which may introduce a Precedent of very dangerous conſequence for the future, and produce moſt miſchievous Effects for the preſent, conſidering the great Diſtempers of the Kingdom, and what pernicious Counſellors and Incendiaries are now about the King, and how deſperate and ill affected divers Perſons, attending upon his Majeſty, have ſhewed themſelves to the Parliament, and to his other good Subjects, threatning and reproaching them publickly, even in his Majeſty's Preſence.

And for preventing, and avoiding ſuch great Miſchiefs as may thereupon enſue; Is is ordered and ordained by both Houſes of Parliament, That if the Trained-Bands, or any other his Majeſty's Subjects, ſhall upon pretence of any ſuch Command be drawn together, and put into a Poſture of War, the Sheriff of that County where there ſhall be ſuch raiſing, or drawing together of Armed Men, do forthwith raiſe the Power of the County to ſuppreſs the ſame, and to keep his Majeſty's Peace according to Law. And that the Lord Lieutenants,

tenants, Deputy-Lieutenants, Juſtices of the Peace, and all other his Majeſty's Subjects be aiding and aſſiſting to the ſeveral and reſpective Sheriffs in performance hereof, as they will anſwer the contrary at their Peril. 18 *Car.*

H. Elſing, Cler. Parl. D. Com.

Die Martis, 17 Maii, 1642.

A Vote againſt removing the Term to *York*.

WHereas the Lords in Parliament, have this day been informed, That the King is reſolved to adjourn the next Term from *Weſtminſter* to *York*; upon which, the Lords ſent a Committee to the Lord Keeper of the Great Seal of *England*, to know of him, whether he had received any Command touching the ſame; who acquainted the ſaid Committee, that he had received a Command from his Majeſty to iſſue a Proclamation, and Writs to that purpoſe.

Whereupon, This Houſe taking the ſaid Matter into Conſideration, hath voted; That the King's removal of the Term to *York*, from *Weſtminſter*, ſitting this Parliament, is illegal.

And hath further ordered, That the ſaid Lord Keeper ſhall not iſſue out any Writs, or ſeal any Proclamation, for adjourning the ſaid next Term from *Weſtminſter* to *York*, as aforeſaid.

Jo. Brown, Cleric. Parl.

Die Martis, 17 Maii, 1642.

Several Votes of Parliament, concerning Serjeant Major General *Skippon*.

Reſolved upon the Queſtion,

THat this Command of his Majeſty to call Captain *Philip Skippon*, Serjeant Major General of the Forces of *London*, to attend his Majeſty's Perſon at *York*, is againſt the Law of the Land, and the Liberty of the Subject.

Reſolved, &c. That this Command of his Majeſty, to call Captain *Philip Skippon*, Serjeant Major General of the Forces of *London*, to attend his Majeſty's Perſon, being imployed by both Houſes to attend their Service, without their Conſent, is againſt the Priviledg of Parliament.

Reſolved, &c. That Captain *Philip Skippon*, Serjeant Major General of the Forces of *London*, ſhall continue to attend the Service of both Houſes, according to their former Commands.

Hen. Elſing, Cler. Parl. D. Com.

Die Martis, 20 Maii, 1642.

IT is this day ordered by the Lords and Commons in Parliament aſſembled, That the Magazines of the ſeveral Counties in England *and* Wales, *ſhall be forthwith put into the Power of the Lords Lieutenants of the ſaid Counties, reſpectively, (being ſuch as the Parliament doth confide in) for the Service and Safety of His Majeſty and the Kingdom.*

Ordered by the Lords in Parliament, That this Order ſhall be printed and publiſhed.

Joh. Brown, Cler. Parl.

By

An. 1642.

King's Summons to the Miniſters, Free-holders, *&c.* to *Heworth-Moor.*

By the KING.

'OUR Will and Pleaſure is, That the *Miniſters*, *Free-holders*, Farmers, and ſubſtantial Copy-holders of this our County of *York*, do aſſemble and meet together at *Heworth-Moor*, near our City of *York*, upon Friday in *Whitſun-Week*, according to *former Summons*, by *nine of the Clock in the Morning*, for that We are informed there are divers Fairs to be kept in this County the day following, at which time many of them may have neceſſary Occaſion to be abſent. And therefore out of our Tenderneſs and Care of our good Subjects, We have thought fit to give this early Notice, to the end the ſaid Inhabitants may be put to as little Prejudice as may be. And this our Pleaſure we require to be forthwith printed, and Copies thereof to be ſpeedily publiſhed and diſperſed by the Sheriffs of this County, for which this ſhall be ſufficient Warrant.

'Given at our Court at *York*, the 27*th* day of *May*, 1642.

His Majeſty's Declaration to the Miniſters, Free-holders, Farmers, and ſubſtantial Copy-holders of the County of York; *Aſſembled by his Majeſty's ſpecial Summons at* Heworth-Moor, *near the City of* York, *on Friday the third of* June, 1642.

'WE would have you to be aſſured, That we never intended the leaſt neglect unto you in any former Summons of the Country, our Love, as well as our Protection, extending to all our Subjects; but as you are a great Body, Time and Conveniency muſt be obſerved in your aſſembling.

'That you may know the general Reaſons of our being here, you muſt underſtand, That when We found it neither Safe nor Honourable, to expoſe our Perſon to the tumultuous and licentious Proceedings of many (which to this Day are unpuniſhed) who did diſorderly approach near our Court at *Whitehall*, We truſted this part of our Dominions chiefly to reſide in: Where, as moſt of the Gentry already have, ſo we aſſure our Selves the reſt of you will give Us clear teſtimony of your Service and Obedience, which we will never uſe otherwiſe, than for the Defence of the true Orthodox Religion profeſſed and ſettled in Queen *Elizabeth*'s Time, and confirmed by the Authority of the Statutes of this Realm, the Defence of the Laws and Fundamental Conſtitutions of this Kingdom, (as the juſteſt Meaſure and Rule for our Prerogative, and your Liberties and Rights): And laſtly, for the preſervation of the Peace of this Kingdom.

'As for our own Zeal to the *Proteſtant Profeſſion*, We refer all the World to our daily Exerciſe of, and our Declarations concerning it, and Execution of the Laws againſt the *Papiſts*: So likewiſe we cannot but declare our Self moſt heartily ſorry to find ſuch Separatiſts and Schiſmaticks, who preſume againſt the Law, to foment new Doctrines and Diſciplines, to the Diſturbance of Church and State.

'For the Law, it being the common Inheritance of our People, we ſhall never inforce any Prerogative of Ours beyond it, but ſubmit our Self to it, and give you, and all our Subjects, the fulleſt Latitude of it, both for the Liberty of your Perſons, and the Propriety of your Eſtates. And for the inviolable Confidence and Aſſurance hereof, as We take God (the Searcher of all Hearts) to witneſs our real Intention herein, ſo we ſhall no longer deſire you to ſtand for the Defence of our Perſon, Honour, and juſt Prerogatives, than we ſhall maintain the Laws of the Land, the Liberty of your Perſons, and the Propriety of your Goods.

'And for the clear underſtanding of our Reſolutions to maintain Peace, We may have the Confidence and Happineſs to refer (againſt all Malignity whatſoever) to our former ſixteen Years Reign, (too long to diſſemble our Nature) if in all this Time we never cauſed the effuſion of one drop of Blood, it muſt

'needs

18 Car.

'needs be thought, that in our riper Judgment in Government, we ſhould ne-
'ver open ſuch Iſſues as might drown Us, and our Poſterity in them. But we
'are ſure to have no Enemies, but in the Defence of the true Proteſtant Profeſ-
'ſion, the Right of the Eſtabliſhed Laws, and for the Preſervation of Peace;
'and certainly all theſe muſt be all yours, as well as our Enemies.

'And to the end that this preſent Poſture wherein we meet, ſhould not affright
'you with the Diſtempers of the Times, the Example of the two Houſes
'having made Us prepare for a Guard to us and our Childrens Perſons, We wiſh
'you to look into the Compoſition and Conſtitution of it, and you will find
'it ſo far from the Face or Fear of War, that it ſerves to ſecure you as well as
'us from it; for our Choice is of the prime Gentry, and of one Regiment of
'our Trained-Bands, which cannot be thought to oppreſs the Country, (being
'their own) nor War with themſelves.

'And we further aſſure you, We never intended to uſe Foreigners, or diſaf-
'fected in Religion; and that you may fully aſſure your ſelves of Our ſole de-
'pendency upon the Love and Service of our own People, to live and die with
'them, we have armed theſe our Subjects, which had been moſt irrational, if
'we had ever intended to have uſed Strangers. And further, you may perceive
'that We receive none, but ſuch as ſtand clear in Loyalty and Religion, for
'which Reaſon we have cauſed the Oaths of Allegiance and Supremacy to be
'given them.

'Likewiſe, to prevent any Diſtempers at Home, We have, and ſhall put
'the Trained-Bands of all this our Kingdom under the Command of Perſons of
'Honour, Confidence, and Affection to their Country, ſtraitly charging, upon
'their Allegiance, no Officer to accept any Command in them, nor Souldiers to
'obey any, ſave ſuch as are authorized by Us. And for the prevention of any
'innovated Power over you, you ſhall have Us here to govern you, and the
'Souldiery to protect you in Peace, and to relieve you againſt all Oppreſſions;
'for that, as We have have told you before, muſt ariſe from ſome great Viola-
'tion, (which we hope God will prevent) and not from this Preparation of our
'Subjects. Therefore let none of you be affrighted with vain Fears; if ſuch a
'War ſhould follow, it follows the Authors home to their own Doors: And
'ſuch (by the Confidence of our Perſon with you) we aſſure our Self you
'are not.'

'Here We had left you to your Fidelity and Duty, had not ſome malicious
'Inſolence in our former Meetings ſent forth moſt preſumptuous Summons, de-
'ceiving our People, and preſuming upon our Royal Authority; and theſe preſent
'themſelves as great Defenders of Religion, Peace, and Liberty: Whereas they
'become infectious and contagious to the People, ſeducing them into vain Fan-
'cies and Deluſions, as may appear by their Warrants, which we could trace to
'ſome Pulpits, as We are credibly informed. And you ſee it were juſt in Us
'to puniſh theſe as Authors of Sedition, but that it would be too great a Fa-
'vour, for it would honour them with the Title of Martyrdom for God's
'Cauſe, as they vainly pretend: But you may now ſee from whence this Spirit
'comes, that would make Us to be in the Act of Deſtruction of Religion, our
'Perſon a diſturber of the Peace, and ready to introduce Slavery. Theſe here
'are all the Foreign Forces we have, or ever ſhall intend to have, to act theſe
'great Deſigns, notwithſtanding the vain Fears hitherto imagined. So that you
'ſee it is high time that theſe Fancies were diſperſed and driven away, that We
'might be repaired in Honour and Intereſt, and you enjoy the Bleſſing of Peace
'and Happineſs, the Advancement whereof ſhall be our Study and Comfort;
'and therefore We ſhall (when you ſhall think it a convenient Time) eaſe you
'in the Number of the Trained-Bands. And for your Billet-Money, it had been
'long ſince paid, but that no part of the Subſidies (which We paſſed for that
'purpoſe) came to our Hands; and We ſhall not be wanting in any thing that
'lieth in Us, for the full Satisfaction thereof; and ſhall make our Grace and
'Bounty to you anſwerable to your beſt Fidelity and Loyalty, as occaſion ſhall
'be offered to Us.

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The Copy of a Warrant from the King's moſt Excellent Majeſty, directed unto the High-Sheriff of the County of York, *for ſummoning of all Gentlemen, and others, being Proteſtants, who are charged with Horſes for his Majeſty's Service, or have liſted themſelves to attend perſonally for his Majeſty's Security, to make their appearance at York, on Thurſday the 17th of* July, 1642.

June 30, 1642. His Majeſty's Warrant for ſuch as are charged with Horſes, to attend him at *York*, *July* 17.

'HIS Majeſty hath given ſpecial Charge, that you ſpeedily give effectual 'warning to all Gentlemen, within your ſeveral reſpective Diviſions, as 'alſo to all who are or heretofore have been charged with Horſes for his Majeſty's 'Service, or have liſted themſelves to attend perſonally for his Majeſty's Securi-'ty, or that are of Ability by their Eſtates ſo to do, that they be at *York* (all 'Excuſes and Delays ſet apart) upon Thurſday next, being the 7th of *July*, by 'Ten of the Clock before Noon: And that ſuch who are obliged by their Sub-'ſcriptions, or otherwiſe, bring along with them their Horſes and Furniture ac-'cordingly; and that others not ſo engaged or charged, (of whoſe ſuitable Af-'fection there is the like Perſwaſions) be here at *York* the ſame Time and Place, 'where they ſhall underſtand his Majeſty's Pleaſure. You muſt alſo give no-'tice, that all ſuch Men who appear that day to be employed for his Majeſty's 'Service, be of the Proteſtant Religion: Neither muſt you fail to be here your-'ſelves, and to bring along with you a Schedule of the Names of all thoſe to 'whom you have given ſuch warning, that thereby an Accompt may be given of 'your Service herein, and his Majeſty be truly informed of all thoſe who give 'due and ready Obedience to theſe his Summons and Commands. Fail you not 'hereof at your Peril, in a Buſineſs ſo much concerning his Majeſty's Service. 'Dated at *York* the 30th of *June*, 1642.

'To all Conſtables, Head-Conſtables, Bailiffs of Liberties and Wapentakes, 'their Deputy or Deputies, within the County of *York*; and to all other his 'his Majeſty's Loyal Subjects whom it may concern.

His Majeſty's Declaration made the 13th *of* June 1642, *to the Lords attending his Majeſty at* York, *and to others of his Majeſty's Privy Council there. Together with their Promiſe thereupon, ſubſcribed by them.*

King's Declaration made at *York*, *June* 13. of what Obedience he requires from ſuch as attend him; and that he intends not to War againſt the Parliament.

CHARLES R.

'WE do declare, That we will not require, nor exact any Obedience 'from you, but what ſhall be warranted by the known Law of the 'Land; as we do expect that you ſhall not yield to any Commands, not legally 'grounded or impoſed by any other.

'And We do further declare, That we will defend every one of you, and 'all ſuch as ſhall refuſe any ſuch Commands, whether they proceed from *Votes* 'and *Orders* of both Houſes, or any other way, from all Dangers and Hazards 'whatſoever.

'And We do further declare, That we will defend the true Proteſtant Reli-'gion, eſtabliſhed by the Law of the Land, the lawful Liberties of the Subjects 'of *England*, and juſt Priviledges of all the Three Eſtates of Parliament: And 'ſhall require no further Obedience from you, than as accordingly We ſhall per-'form the ſame.

'And We do declare, That we will not (as is falſly pretended) engage you, 'or any of you, in any War againſt the Parliament, except it be for our neceſſa-'ry Defence and Safety, againſt ſuch as do inſolently invade or attempt againſt 'Us, or ſuch as ſhall adhere to Us.

York, 13 *June*, 1642.

The

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The Promiſe *of the ſaid Lords and others.*

The Promiſe of the Lords at *York* to the ſame purpoſe.

WE do engage our ſelves not to obey any Orders or Commands whatſoever, not warranted by the known Laws of the Land.

We do engage our ſelves, to defend your Majeſty's Perſon, Crown and Dignity; together with your Majeſties juſt and legal Prerogative, againſt all Perſons and Power whatſoever.

We will defend the true Proteſtant Religion eſtabliſhed by the Law of the Land, the lawful Liberties of the Subjects of *England*, and juſt Priviledges of your Majeſty, and both your Houſes of Parliament.

And laſtly, We engage our ſelves, not to obey any Rule, Order, or Ordinance whatſoever, concerning any Militia that hath not the Royal Aſſent.

Subſcribed by

York 13 *June*, 1642.

Lord Keeper, Lord Duke of *Richmond*, Lord Marqueſs of *Hertford*, Earl of *Lindſey*, Earl of *Cumberland*, Earl of *Huntingdon*, Earl of *Bath*, Earl of *Southampton*, Earl of *Dorſet*, Earl of *Salisbury*, Earl of *Northampton*, Earl of *Devonſhire*, Earl of *Cambridg*, Earl of *Briſtol*, Earl of *Weſtmoreland*, Earl of *Barkſhire*, Earl of *Monmouth*, Earl of *Rivers*, Earl of *Newcaſtle*, Earl of *Dover*, Earl of *Carnarvan*, Earl of *Newport*, Lord *Mowbray* and *Matravers*, Lord *Willoughby* of *Eresby*, Lord *Rich*, Lord *Charles Howard* of *Charleton*, Lord *Newark*, Lord *Paget*, Lord *Chandois*, Lord *Faulconbridg*, Lord *Paulet*, Lord *Lovelace*, Lord *Savile*, Lord *Coventry*, Lord *Mohun*, Lord *Dunſmore*, Lord *Seymour*, Lord *Grey* of *Ruthin*, Lord *Capell*, Lord *Falkland*, Mr. Comptroller, Mr. Secretary *Nicholas*, Mr. Chancellor of the Exchequer, Lord Chief Juſtice *Banks*.

About this time Sir *John Meldrum* wrote to the King with great freedom from *Hull*; touching which, in a Letter from Sir *Hugh Cholmley* to my Lord *Fairfax*, *June* the 12*th* 1642, I find this Expreſſion; *Sir* John Meldrum *hath written ſuch a Letter to the King, that if your Lordſhip ſaw it, you would judg him to be a bold Scot.* Which Letter of *Meldrum*'s was as followeth.

Sir John Meldrum's *Letter to the King*, June 1642.

Moſt Gracious Sovereign;

IT is held a common Tenet, That an Apology doth imply an Offence; wherefore if I were conſcious to my ſelf of the leaſt Breach of Allegiance due to Soveraignty, I would not bluſh in the ingenuous acknowledgment of my Guilt, but would (in all humility) throw my ſelf down at your Majeſty's Feet, though culpable in nothing elſe, (ſo far as my Conſcience doth ſuggeſt) but of a great averſneſs in Diſpoſition, and a great reluctation I have had within my ſelf, againſt all the late Proceedings which have been attempted in your Majeſty's Service; which if it ſhould be found Criminal, there are not many of your Majeſty's beſt-adviſed, and beſt-affected Subjects or Servants, of any Quality, that ſtand, either for the Glory of God, the Honour of your Majeſty, or the Peace and Happineſs of the Kingdom, who, *in Foro Conſcientiæ*, can plead *Guiltleſs* in that Point; and if there be in any a contrary Senſe, (who are conſiderable) it will appear (upon a ſtrict ſearch) that *Flattery*, *Spleen*, or *Emulation*, hath rather tranſported them, than any thing elſe found eſſential to make ſuch

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a Breach as the Kingdom is threatned with, which unprevented, may bury them and their Poſterities in the Ruins thereof.

The Zeal I have had to your Majeſty's Father's Service in *Ireland*, in ſetling the Province of *Ulſter*, and to your Service at *Rochel*, which in my time hath had no Example, will vindicate me from any Aſperſion that may be caſt upon me, either of *Ingratitude*, or *Diſloyalty*; and that all your Majeſty's Favours have produced no other Effects to me, but to have been made the Subject of all Calumnies and Detraction that Malice could brand me with, and a deep Ingagement in 2000 *l.* Debt, after the ſpending of thirty ſix Years of time in your Majeſty's Father's, and your own Service. I did adventure upon a great freedom of Diſcourſe with your Majeſty at *Newcaſtle*, upon the Subject of the War; which, if it had taken any impreſſion ſutable to the ſincerity of my Heart, as a Buſineſs of ſo high a nature did require, your Majeſty might have avoided many unhappy Accidents, which have encountred all your Attempts ſince that time; which cannot be interpreted to have ſprung from any other ſource, than from the Raſhneſs, Arrogancy, and Ambition of ſome preſumptuous Spirits, who have drawn your Majeſty upon ruinous Precipices, which cannot but bring forth the like wretched Effects: Their Aim was at nothing ſo much as at the Diſgrace and Overthrow of all your Majeſty's well affected and Loyal Subjects and Servants, who were not ſtamped with the Character of the Time; and to engage your Majeſty in their unhappy Intereſts of *Ambition*, Gain, Malice, Revenge, Deſpair and Emulation; as if your Majeſty's *Crowns*, and their *deſperate Fortunes*, had had but one and the ſame *Center*; as if both had been caſt in *one Ballance*, to ſtand or fall in the Diſtractions of the Times. When I did look upon the lamentable Poſture of three Kingdoms, reduced to a great heighth of Deſolation and Miſery: When I did perceive that no Corner in your Dominions could afford a good Man that was ſenſible of the Purity of Religion towards God, of the Honour, Peace and Safety of your Majeſty and Kingdoms, who did not groan under the Exorbitances of the Time, and when there was ſmall probability (unleſs by *Miracle*) that your Majeſty's Diadems could retain that ancient Luſtre and Beauty, nor thoſe *Halcion Days* of publick Proſperity continue, which your loving Subjects and their Anceſtors had formerly enjoyed under the Reigns of your Royal Progenitors, whilſt they kept a regular courſe of Government with their Parliaments; I could find no better way to do your Majeſty a more general Service, than by ſtopping the courſe of a Civil War, ſo far as could fall within the compaſs of my Endeavour, to embrace any fit opportunity offered, as to caſt my ſelf within *Hull*; hereby my Zeal and Affection to the publick Good might be demonſtrated in a Service for the common Intereſt of your Majeſty and the Kingdom, which whoſoever ſhall go about to *ſeparate*, cannot but expect ſuch fearful Events, as ordinarily do accompany all ſuch who would entertain and foſter a woful Divorcement betwixt a *Prince* and his *People*, a wretched Diviſion betwixt the *Head* and the *Members*, which (of neceſſity) muſt bring forth ſuch prodigious Iſſues, as may not only ſhake the Foundation of *Monarchy*, but alſo overflow the fertile and pleaſant Fields and Vallies of this Kingdom with ſtreams of innocent *Blood*, which might be more ſafely reſerved for more advantagious, and more honourable Employments, than profuſedly to be ſpent in the ripping up the Bowels one of another of your Majeſty's good Subjects, by an *Inteſtine* War; which will divide the *Father* from the *Son*, the Brother from the Brother, and the neareſt Kinſman from his deareſt Friend. And that which is moſt deplorable, the ground of the War muſt riſe from the unſetled and unconſtant Appetites of ſome *factious* and turbulent Spirits, overladed with the bitterneſs of their own Paſſions and Intereſts; and at ſuch a Juncture too, when a more *juſt*, and a more honourable Subject for a War cannot be long wanting, if the unreaſonable Diſtempers of the Time could allow your Majeſty's good Subjects a little time to breath in the calm Air, and Happineſs of a bleſſed *Peace*, until ſuch time as *France* and *Spain* (by their mutual Claſhings) have ſo far debilitated each other, that both might run the hazard to be made the *Stage* for your Majeſty's juſt Indignation, provoked by the *Affronts* have been put upon your Majeſty's *Father* and your Self, in the unjuſt detention of the Patrimony of a *Grand-Child* of this Crown. If there were a happy Atonement with your Majeſty's loving Subjects, ſtrongly cemented by a ſtrict Correſpondency with the *Netherland-Provinces*,

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Provinces, whoſe Friendſhip or Enmity may do more good or hurt to theſe Kingdoms, than the Friendſhip or Enmity of *France* and *Spain* joyned together. The miſerable ſenſe of that War in *Italy*, by the pertinacious Obſtinacy of *Charles* the Eighth, which was ſtirred up and fomented by the Ignorance and Ambition of that proud Prelate, the Biſhop of St. *Malo*, which did draw on his ſhameful Expulſion out of *Italy*, at the expence of his Reputation, and hazard of his Life; The deplorable Event of that War, violently proſecuted by *Charles* the more *hardy* than *wiſe* Duke of *Burgundy*, againſt the *Swiſſes*, which had no other ground but *unmeaſurable Ambition*, and the refuſal of Redreſs to ſome of the *Swiſſes*, who had but a Cart full of *Sheep skins* taken injuriouſly from them, going to their *Market*, by the Count of *Romont*, which was paid home by the loſs of his *Baggage*, by the loſs of his *Reputation*, by the loſs of his *Family* (which for four Generations had ſtood in Competition with the Emperor, and the French King) and in the end by loſs of his *Life*; The vaſt and profuſe Conſumption of more Men and Money, ſpent by the King of *Spain* in that *Belgick War*, than might have reduced *Italy* and *France* to that Auſtrian Servitude, aſpired unto by *Charles* the Fifth (aiming at a fifth Monarchy) which if it had in time been nipped in the Bud, might have been eaſily prevented by hearing the *humble Petitions* of a handful of his Subjects, oppreſſed with the Tyranny of the Spaniſh Government; may all ſerve as Examples of Terror to all great Princes, who (at the Appetites of their Servants) will imbark themſelves in ſuch inextricable Errors, as are often accompanied with ſudden unfortunate Events. Many great and honourable Actions have been brought to happy and glorious Concluſions, by Princes who have relied upon the Valour and Affection of their loving Subjects, which being wanting, the Examples of good Succeſs have been no leſs rare, than of *black Swans*, either in ancient or modern Stories. The hearty Acclamations of Joy at your Father's entry to the Crown of *England*, the publick Exultations of your Majeſty's ſafe Return from *Spain*, will challenge a more kindly Retribution, than the expoſing of the Fortunes and Lives of your good Subjects to the inhumane Butcheries of an Inteſtine War, which (like a Gangreen) hath already over-run the greateſt part of *Europe*; and may, by the Revolution of Time (whereunto all ſublunary things are ſubject) kindle ſuch a Fire here amongſt your good Subjects, which will not be quickly extinguiſhed by all the Plots and Practices of the Time, nor without ſome hazards to your *Scepters*; eſpecially when *Strangers* (being invited by our Diſtractions, if they have Power, Ambition, and ſenſe of Revenge) may endeavour to be ſharers with your Majeſty's good Subjects in the Felicities of this Iſland, as the only place in *Europe*, which hath been long exempted from the Thraldom and Bondage of War, which undoubtedly they would have attempted before this time, if God (in his gracious Providence and Care of this Iſland) had not ſuffered *France* and *Spain* to be deeply embarqued over Head and Ears. The common Quarrel of Invaſion, which Princes never forget, if they can find an opportunity to remember the Jeſuitick Plots, to extirpate the whole Body of *Proteſtants* in this Iſland; which, as it was in former times, the only ſafe Sanctuary and Protection of all that ſuffered under the Tyranny of *Rome*, may (by theſe Machinations rooted here too deeply) become a Cage for unclean Birds to neſtle therein, and diſturb the Peace of theſe Kingdoms, as a powerful Effect of too much *implicit Truſt* but in *ſome*, who will prove in the end your Majeſty's *greateſt Enemies*; and of too much *neglect* of *others*, who will be found the beſt Supporters of the Dignity of your *Perſon* and Crowns; and if there be a *War* really intended, there is a neceſſity of a more ſetled Foundation than the Protection of *evil and unadviſed Miniſters*, whom your Majeſty's Predeceſſor, *Henry* the Fourth of *England*, would have rather offered up as publick *Victims* to an offended Common-wealth, than that three Kingdoms ſhould lie pitifully expoſed to the hazards of a publick Conflagration, which God in his Mercy avert. I muſt rather account him an ignorant *Mountebank* than a skilful Phyſician, who adviſeth his Patient to apply a more *violent* Remedy, than the nature of the Diſeaſe will comport with; otherwiſe the *Remedy* may prove worſe than the *Diſeaſe*: nor ſhall I ever account him for a faithful Servant, who perſwadeth his Maſter to imbrace any Action which may more conduce to the advancement of any *private* Intereſt of Ambition, Gain, Malice, Revenge, Deſpair or Emulation, than to the Safety of his

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his Maſter's *Reputation* and *Honour*. Your Majeſty doth well know the different Characters Antiquity hath put upon the two Favourites of *Alexander*, *Hepheſtion* and *Craterus*; the one loved *Alexander* out of Conſcience, Duty, Zeal and Love, as his *Soveraign*; the other loved the King for his Magnificence, Pomp, Glory, and the Power *Alexander* had to raiſe his Fortune, and to make him *Great*; not unlike to the legionary Souldiers that followed *Germanicus*, recorded by *Tacitus*, to have ſaid, *Fortunam meam potius, quam me ſequuntur.* Of ſuch *Court-Paraſites*, who do rather look upon the Fortunes than Perſons of great Princes, I pray God your Majeſty have not too many, and too few of the other kind of Servants. Pardon, dread Soveraign, this *freedom* of Spirit, which no Extremity, no Power, no Puniſhment, can reſtrain; and which cannot but burſt forth in this exceſs of Paſſion and Grief, to ſee your Majeſty ſo inclinable to give way to ſuch Courſes, as can preſage no leſs than a fearful Revolution, if your Majeſty ſhould continue in a conſtant courſe of being inexorable to the Perſwaſions, Counſels and Petitions of your loving Subjects, inviting your Majeſty to adhere to your great *Council of Parliament*, who are only able to make your Majeſty no leſs *happy* and *glorious* than any of your Royal Progenitors. God grant that in the end, your Majeſty may be ſenſible of the common Calamities your good Subjects are involved in; and that ſome proper occaſion may be repreſented whereby every true and loyal Subject may be encouraged to offer up his Sacrifice of *Blood*, for the Honour and Safety of your Majeſty and your whole Dominions, whereof none ſhall be more prodigal than,

Your Majeſty's moſt humble and faithful Servant,

Jo. Meldrum.

To the King's Moſt Excellent Majeſty,

The Humble Petition of the Lords and Commons in Parliament aſſembled.

The Parliament's Petition to the King, about the *Yorkſhire* Freeholders Petition, *June* 17.

YOur Majeſty's moſt humble and faithful Subjects, the Lords and Commons aſſembled in Parliament, have lately received a *Petition* from a great number of the *Gentry*, *Freeholders*, and other Inhabitants of the County of *York*, aſſembled there by your Majeſty's Command, the third of *June*; wherein they declare unto us, That having taken a Reſolution to addreſs themſelves unto your Majeſty in the humble way of a Petition, for the Redreſs of thoſe *Grievances* which they now lie under, they were violently interrupted and affronted therein by the Earl of *Lindſey*, the Lord *Savil*, and others; and notwithſtanding all the means they could uſe to preſent their juſt Deſires to your Majeſty, yet they could not prevail with your Majeſty to accept of their Petition: The Copy whereof they have ſent to us, with an humble Deſire, that we would take ſuch courſe therein as may tend to the preſervation of their Liberties, and the Peace of the Kingdom: And that we would addreſs our ſelves to your Majeſty in their behalf, that by our means their Deſires may find better Acceptation with your Majeſty. Whereupon having ſeriouſly weighed and conſidered the Particulars of thoſe their Complaints and Deſires, as they are laid down in their Petition; and finding that the Grievances they complain of, are the increaſe of the Miſeries formerly ſuſtained by that County (which hath well nigh for three Years laſt paſt been the *Tragical Stage* of Armies and War) by reaſon of your Majeſty's diſtance in Reſidence, and difference in Counſels from your *Great Council*, the Parliament, begetting great Diſtempers and Diſtractions throughout the Kingdom, and eſpecially in that County. The drawing to thoſe Parts great numbers of diſcontented Perſons, that may too juſtly be feared do affect the publick Ruine for their private Advantage, the drawing together of many Companies of the Trained-Bands, and others, both of Horſe and Foot of that County, and retaining multitudes of Commanders and *Cavaliers* from other parts; the daily reſort of *Recuſants* to your Majeſty's

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Court at *York*: The great preparations of *Arms* and other warlike Proviſions, to the great *terror* and amazement of your Majeſties peaceable Subjects, and cauſing a great decay of *Trade* and Commerce amongſt them; all and every of which Particulars, are againſt the *Law*, which your Majeſty hath made ſo many and frequent Profeſſions to maintain and uphold.

And the Lords and Commons finding on the other ſide, their humble deſires to be, That your Majeſty would hearken to your Parliament, and declining all other Counſels whatſoever, unite your Confidence to your Parliament; and that your Majeſty would not divide your Subjects *joint Duty* to your Majeſty, the Parliament and Kingdom, nor deſtroy the Eſſence of your *Great Council*, and higheſt Court, by ſubjecting the Determinations and Counſels thereof, to the Counſels and Opinions of any *private* Perſons whatſoever. That your Majeſty having paſſed an *Act*, that this Parliament ſhall not be *diſſolved but by Act of Parliament*, your Majeſty would not do any thing thereunto tending by commanding away the *Lords* and great Officers, whoſe Attendance is neceſſary thereunto: That your Majeſty having expreſſed your Confidence in the Affections of that County, you would pleaſe to diſmiſs your extraordinary *Guards*, and the *Cavaliers* and others of that Quality, who ſeem to have little Intereſt or Affection to the Publick Good, their Language and Behaviour ſpeaking nothing but Diviſion and *War*, and their Advantage conſiſting in *that* which is moſt deſtructive to others.

And laſtly, That in ſuch Conſultations and Propoſitions as your Majeſty maketh to that County, ſuch may not be thruſt upon them as Men of that County, that neither by their Fortune or Reſidence are any part of it.

All which their humble and moſt juſt Deſires, being according to Law; which your Majeſty hath ſo often declared, ſhould be the Meaſure and *Rule* of your Government and Actions; And we your Majeſty's moſt faithful Subjects, the Lords and Commons, fully concurring with the Gentlemen and others of the County of *York*, in their aſſurance that thoſe Deſires of theirs will abundantly redound to the Glory of God, the *Honour and Safety* of your Majeſty, the Good of your Poſterity, and the Peace and *Proſperity* of this Kingdom, We humbly beſeech your Majeſty graciouſly to hearken unto them, and to grant them; and that you would join with your Parliament in a *ſpeedy* and effectual Courſe, for the preſervation of their *Liberties*, and the Peace of the Kingdom; which Duty, as we are now called upon by that County to diſcharge, ſo do we ſtand engaged to God and Man for the performance thereof, by the Truſt repoſed in us, and by our ſolemn *Vow* and *Proteſtation*; and your Majeſty, together with us, ſtands engaged by the like Obligation of *Truſt*, and of an *Oath*, beſides the many and earneſt Profeſſions and *Proteſtations* which your Majeſty hath made to this purpoſe, to your whole Kingdom in general, and to *that County* in particular, the Peace and Quiet of this Kingdom, (as is well obſerved by theſe Gentlemen and Free-holders of *Yorkſhire* in their *Petition*) being the only viſible Means, under God, wherein conſiſts the Preſervation of the *Proteſtant Religion*, the Redemption of our Brethren in *Ireland*, and the Happineſs and Proſperity of your Majeſty, and of all your Dominions.

His Majeſty's Anſwer to the Petition *of the Lords and Commons in Parliament Aſſembled, preſented to his Majeſty at* York, *the* 17*th of* June, 1642.

'HIS Majeſty having carefully weighed the Matter of this Petition preſented to him at *York*, on Friday the 17*th* of *June*, by the Lord *Fairfax*, Sir *Hugh Cholmley*, Sir *Philip Stapleton*; Though he might refer the Petitioners to his two laſt Declarations, wherein moſt of the Particulars in this Petition are fully anſwered, or might refuſe to give any anſwer at all, till he had received Satisfaction in thoſe high Indignities he hath ſo often complained of, and demanded Juſtice for: Yet that all the World may ſee how deſirous his Majeſty is to leave no Act, which ſeems to carry the Reputation of both his Houſes of

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'Parliament, and in the leaſt degree to reflect upon his Majeſty's Juſtice and Ho-'nour, unanſwered, is graciouſly pleaſed to return this Anſwer.

'That if the Petition mentioned to be preſented to both Houſes of Parlia-'ment, had been annexed to this now delivered to him, his Majeſty might have 'diſcerned the Number and the Quality of the Petitioners, which his Majeſty 'hath great reaſon to believe, was not in truth ſo conſiderable as is pretended: 'for his Majeſty aſſures you, That he hath never refuſed any Petition ſo atteſted 'as that would be thought to be: But his Majeſty well remembers, that on the 'third of *June*, when there was, upon his Majeſty's Summons, the greateſt and 'the moſt chearful concourſe of People that ever was beheld of one County, ap-'pearing before him at *York*, a Gentleman (one Sir *Thomas Fairfax*) offered in 'that great Confluence, a Petition to his Majeſty; which his Majeſty ſeeing to 'be avowed by no Man but himſelf, and the general and univerſal Acclamations 'of the People ſeeming to diſclaim it, did not receive, conceiving it not to be of 'ſo publick a Nature, as to be fit to be preſented or received in that Place. 'And his Majeſty is moſt confident (and in that muſt appeal to thoſe then pre-'ſent) that whatever the Subſtance of that Petition was, it was not conſen-'ted to by any conſiderable number of Gentry or Free-holders of this County, 'but ſollicited by a few Men, inconſiderable Perſons, and diſliked, and viſibly 'diſcountenanced by the great Body of the known Gentry, Clergy, and Inha-'bitants of this whole County. And if the Matter of that Petition was ſuch as 'is ſuggeſted in this, his Majeſty hath great reaſon to believe it was framed and 'contrived (as many others of ſuch Nature have been) in *London*, not in *York-'ſhire*; for ſure, no Gentleman of Quality and Underſtanding of this County, 'would talk of his great Preparation of Arms, and other warlike Proviſions, to 'the great terror and amazement of his peaceable Subjects, when they are Wit-'neſſes of the violent taking his Arms from him, and ſtopping all ways for bring-'ing any more to him. And if there were no greater terror and amazement of 'his Majeſty's peaceable Subjects in other places, by ſuch Preparations and Pro-'viſions, there would be no more cauſe to complain of a great decay of Trade 'and Commerce there, than is in this place. But his Majeſty hath ſo great an 'aſſurance of the Fidelity and general Affections of his good Subjects of this 'County, (which he hopes will prove exemplar over his whole Kingdom) that 'he hath great cauſe to believe, that they do rather complain of his Majeſty's 'Confidence, and of his Slowneſs; that whilſt there is ſuch Endeavour abroad 'to raiſe Horſe, and to provide Arms againſt his Majeſty, and that Endeavour 'put in Execution, his Majeſty truſts ſo much to the Juſtice of his Cauſe, and 'the Affections of his People, and neglects to provide Strength, to aſſiſt that 'Juſtice, and to protect thoſe Affections.

'For any Affronts offered by the Earl of *Lindſey*, or the Lord *Savil*, to thoſe 'who intended to petition his Majeſty, his Majeſty wiſhes that both his Houſes 'of Parliament would have examined that Information, and the Credit of the 'Informers, with that gravity and deliberation, as in Caſes which concern the 'Innocence and Honour of Perſons of ſuch Quality hath been accuſtomed, be-'fore they had proſcribed two Peers of the Realm, and expoſed them (as much 'as in them lay) to the Rage and Fury of the People, under the Character of 'being Enemies to the Common-Wealth, a Brand newly found out (and of no 'legal ſignification) to incenſe the People by, and which the ſimplicity of former 'Times was not acquainted with: And then his Majeſty hath ſome reaſon to be-'lieve, they would have found themſelves as much abuſed in the Report con-'cerning thoſe Lords, as he is ſure they are in thoſe which tell them of the re-'ſort of great Numbers of diſcontented Perſons to him, and of the other Particu-'lars mentioned to be in that Petition; whereas they who obſerve what Reſort 'is here to his Majeſty, well know it to be of the prime Gentlemen of all the 'Counties in *England*, whom nothing but the Love of Religion, the Care of 'the Laws and Liberties of the Kingdom, beſides their Affection to his Perſon, 'could engage into great Journeys, Trouble and Expence; Men of as precious 'Reputation, and as exemplary Lives, as this Nation hath any; whoſe Aſſi-'ſtance his Majeſty knows he muſt not expect, if he ſhould have the leaſt Deſign 'againſt Honour and Juſtice. And ſuch Witneſſes his Majeſty deſires to have of 'all his Actions.

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'For the declining all other Counſels, and the uniting his Confidence to his 'Parliament, his Majeſty deſires both his Houſes of Parliament, ſeriouſly and 'ſadly to conſider, That it is not the Name of a great or little Council that 'makes the Reſults of that Council Juſt or Unjuſt; neither can the Imputation 'upon his Majeſty of not being adviſed by his Parliament, (eſpecially ſince all their 'Actions, and all their Orders, are expoſed to the Publick View) long miſlead his 'good Subjects, except in truth they ſee ſome particular ſound Advice, neceſſary 'to the Peace and Happineſs of the Common-Wealth, diſeſteemed by his Ma'jeſty; and ſuch an Inſtance he is moſt aſſured, neither can nor ſhall be given; 'and that they will think it Merit in his Majeſty from the Common-Wealth, to 'reject ſuch Counſel as would perſwade him to make himſelf none of the 'Three Eſtates, by giving up his Negative Voice, to allow them a Power ſu'perior to that which the Law hath given him, whenſoever it pleaſeth the ma'jor part preſent of both Houſes, to ſay, that he doth not diſcharge his Truſt as 'he ought, and to ſubject him and his Subjects unqueſtionable Right and Propri'ety to their Votes, without and againſt Law, upon the meer Pretence of Ne'ceſſity.

'And his Majeſty muſt appeal to all the World, who it is that endeavours to 'divide the joint Duty of his Subjects; his Majeſty, who requires nothing but 'what their own Duty, guided by the infallible Rule of the Law, leads them 'to do; or they, who by Orders and Votes, (oppoſite and contradictory to 'Law, Cuſtom, Precedent, and Reaſon) ſo confound the Affections and Un'derſtandings of his good Subjects, that they know not how to behave them'ſelves with Honeſty and Safety, whilſt their Conſcience will not ſuffer them to 'ſubmit to the one, nor their Security to apply themſelves to the other: It is not 'the bare ſaying, His Majeſty's Actions are againſt the Law, (with which he 'is reproached in this Petition, as if he departed from his often Proteſtations to 'that Purpoſe) that muſt conclude him, there being no one ſuch Particular in that 'Petition alledged, of which his Majeſty is in the leaſt Degree guilty. Whe'ther the ſame Reverence and Eſteem be paid by you to the Law, (except your 'own Votes be judg) needs no other Evidence than thoſe many, very many Or'ders publiſhed in print, both concerning the Church and State, thoſe long Im'priſonments of ſeveral Perſons without hearing them, upon general Informati'on; and the great and unlimited Fees to your Officers, worſe than the Impri'ſonment, and the arbitrary Cenſure upon them, when they are admitted to be 'heard. Let the Law be judg by whom it is violated.

'For that part of the Petition which ſeems to accuſe his Majeſty of a Purpoſe 'to diſſolve this Parliament, (contrary to the Act for the Continuance) by com'manding away the Lords and great Officers, whoſe Attendance is neceſſary; 'which his Majeſty well knows to be a new Calumny, by which the grand Con'trivers of Ruin for the State, hope to ſeduce the Minds of the People from their 'Affection to, or into Jealouſy of his Majeſty, as if he meant this way to bring 'this Parliament (which may be the Caſe of all Parliaments) to nothing: It is 'not poſſible for his Majeſty more to expreſs his Affection to, and his Reſolution 'for the Freedom, Liberty and Frequency of Parliaments, than he hath done. 'And whoever conſiders how viſible it muſt be to his Majeſty, that it is impoſ'ſible for him to ſubſiſt without the Affections of his People; and that thoſe 'Affections cannot poſſibly be preſerved or made uſe of but by Parliaments, 'cannot give the leaſt Credit, or have the leaſt Suſpicion that his Majeſty would 'chuſe any other way to the Happineſs he deſires for Himſelf and his Poſterity but 'by Parliaments.

'But for his calling the Lords hither, or any others abſenting themſelves who 'have not been called, whoever conſiders the Tumults (which no Votes or 'Declarations can make to be no Tumults) by which his Majeſty was driven away, 'and many Members of either Houſe in danger of their Lives; the demanding 'the Names of thoſe Lords who would not conſent to their Propoſitions, by Meſ'ſage from the Houſe of Commons, delivered at the Bar by Mr. *Hollis*, with 'that moſt tumultuous Petition, in the Name of many thouſands, (among many 'other of the ſame kind) directed to the Houſe of Commons, and ſent up by 'them to the Houſe of Lords, taking notice of the Prevalency of a Malignant 'Faction, which made Abortive all their good Motions, which tended to the 'Peace and Tranquillity of the Kingdom, deſiring that thoſe Noble Worthies of

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'the Houſe of Peers, who concurred with them in their happy Votes, might 'be earneſtly deſired to joyn with that Honourable Houſe, and to ſit and vote 'as one entire Body, profeſſing that unleſs ſome ſpeedy Remedy were taken 'for the removal of all ſuch Obſtructions as hindred the happy progreſs of 'their great Endeavours, the Petitioners ſhould not reſt in Quietneſs, but 'ſhould be enforced to lay hold on the next Remedy which was at hand, to 'remove the Diſturbers of their Peace, and (Want and Neceſſity breaking 'the bounds of Modeſty) not to leave any means uneſſay'd for their Relief; 'adding, that the Cry of the poor and needy was, That ſuch Perſons who were 'Obſtacles of their Peace, and Hinderers of the happy Proceedings of this 'Parliament, might be forthwith publickly declared, whoſe removal they con-'ceived would put a Period to theſe Diſtractions. Upon which a great num-'ber of Lords departing, the Vote in order to the Ordinance concerning the '*Militia* was immediately paſs'd, though it had been twice before put to the 'Queſtion, and rejected by the Votes of much the major part of that Houſe. 'And whoever conſiders the ſtrange Orders, Votes and Declarations which 'have ſince paſſed, to which whoſoever would not conſent, (that is, whoſo-'ever with freedom and liberty of Language and Reaſon durſt profeſs againſt, 'was in danger of Cenſure and Impriſonment) will not blame our Care in 'ſending for them, or theirs in coming, or abſenting themſelves from being 'involved in ſuch Confuſions. Neither will it be any Objection, that they 'ſtaid there long after any Tumults were, and therefore that the Tumults 'drove them not away. If every day produced Orders and Reſolutions as 'illegal as, and indeed but the Effects of the Tumults; there was no cauſe to 'doubt the ſame Power would be ready to prevent any Oppoſition to thoſe 'Orders after they were made, which had made way and preparation for the 'Propoſitions of them; and ſo whoſoever conceived himſelf in danger of fu-'ture Tumults, (againſt which there is not the leaſt Proviſion) was driven away 'by thoſe which were paſt. And his Majeſty hath more reaſon to wonder 'at thoſe who ſtay behind, after all his legal Power is voted from him, and all 'the People told, that he might be with Modeſty and Duty enough depoſed, 'than any Man hath at thoſe who have been willing to withdraw themſelves 'from the place where ſuch deſperate and dangerous Poſitions are avowed; 'which his Majeſty doth not mention with the leaſt thought of leſſening the 'Power or Validity of any Act to which he hath given his Aſſent this Parlia-'ment, all and every of which he ſhall as inviolably obſerve, as he looks to 'have his own Rights preſerved, but to ſhew by what means ſo many ſtrange 'Orders have of late been made. And to ſhew how earneſtly his Majeſty 'deſires to be preſent at, and to receive Advice from both Houſes of Parlia-'ment, (againſt whom it ſhall never be in the Power of a Malignant Party to 'incenſe his Majeſty) his Majeſty again offers his Conſent, that both Houſes 'may be adjourned to another place, which may be thought convenient, where 'his Majeſty will be preſent, and doubts not but the Members of either 'Houſe will make a full Appearance. And even the Intermiſſion which 'muſt attend ſuch an Adjournment may not be the leaſt means of recovering 'that Temper which is neceſſary for ſuch Debates.

'And this his Majeſty conceives to be ſo very neceſſary, that if the Minds 'and Inclinations of every Member of either Houſe were equally compoſed, 'the Licence is ſo great that the mean People about *London* and the Suburbs 'have taken, that both for the Liberty and Dignity of the Parliament, that Con-'vention for a time ſhould be in another place. And ſure how much ſoever 'the Safety and Security of this Kingdom depends on Parliaments, it will 'never be thought that theſe Parliaments muſt of neceſſity be at *Weſtminſter*. 'His Majeſty's Confidence is no leſs than he hath expreſſed (and hath great 'cauſe to expreſs) in the Affections of this County; an Inſtance of which 'Affections all Men know his own Guard (which is not extraordinary) 'to be, and wonders that ſuch a legal Guard at his own Charge, for his Perſon '(within twenty Miles of a Rebellion, and of an Army in Pay againſt him) 'ſhould be objected by thoſe, who for ſo many Months, and in a place of 'known and confeſſed Security, have without and againſt Law kept a Guard 'for themſelves, at the Charge of the Common-wealth, and upon that ſtock 'of Money which was given for the Relief of the miſerable and bleeding

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'condition of *Ireland*, or the Payment of the great Debt due to our Kingdom 'of *Scotland*.

'For the reſort of Papiſts to the Court, his Majeſty's great Care for the 'prevention thereof is notoriouſly known; that when he was informed two 'or three of his intended Guard were of that Religion, he gave eſpecial Di-'rection, with Expreſſions of his Diſpleaſure, that they ſhould be immediately 'diſcharged, and provided that no Perſon ſhould attend on him under that Re-'lation, but ſuch as took the Oaths of Allegiance and Supremacy; that he 'commanded the Sheriff to proceed with all Severity according to the Law 'againſt all Papiſts that ſhould come within five Miles of the Court; and if not-'withſtanding this, there be any Papiſts near the Court, (which his Majeſty 'aſſures you he knows not, nor hath heard, but by this Petition) he doth hereby 'command them to depart, and declares to all Officers and Miniſters of Juſtice, 'that they ſhall proceed ſtrictly againſt them according to the Law, as they 'will anſwer the contrary at their Perils.

'For the Language and Behaviour of the Cavaliers (a word, by what miſ-'take ſoever, it ſeems in much diſfavour) there hath not been the leaſt com-'plaint here; and therefore it is probable the fault was not found in this County. 'Neither can his Majeſty imagine what is meant by the mention of any Men 'thruſt upon them in ſuch Conſultations and Propoſitions as his Majeſty makes 'to this County, who are neither by their Fortune or Reſidence any part of 'it, and therefore can make no Anſwer to it.

'To conclude; His Majeſty aſſures you he hath never refuſed to receive 'any Petition, whether you have or no, your ſelves beſt know; and will 'conſider what Reputation it will be to you of Juſtice or Ingenuity, to 'receive all Petitions, how ſenſeleſs and ſcandalous ſoever of one kind, under 'pretence of underſtanding the good Peoples Minds and Affections; 'and not only to refuſe the Petitions, but puniſh the Petitioners of another 'kind, under colour that it is a Crime, that they are not ſatisfied with your 'ſenſe, as if you were only truſted by the People of one Opinion: To take 'all pains to publiſh and print Petitions which agree with your Wiſhes, though 'they were never preſented; and to uſe the ſame Induſtry and Authority to 'keep thoſe that were indeed preſented and avowed, from being publiſhed, '(tho by Our own Authority) becauſe the Argument is not pleaſant to you; 'to pretend Impartiality and Infallibility, and to expreſs the greateſt Paſſion 'and Affection in the Order of your Proceedings, and no leſs error and miſ-'underſtanding in your Judgments and Reſolutions: He doth remember well the 'Obligation of his Truſt, and of his Oath, and deſires that you will do ſo too, 'and your own ſolemn Vow and Proteſtation, and then you will not only 'think it convenient, but neceſſary to give his Majeſty a full Reparation for all 'the Scandals laid upon him, and all the ſcandalous Poſitions made againſt 'him, and that it is leſs diſhonourable to retract Errors, than by avowing to 'confeſs the Malice of them; and will ſee this to be the ſureſt way for the 'Preſervation of the Proteſtant Religion, the Redemption of our Brethren in '*Ireland*, the Happineſs and Proſperity of your ſelves, and of all our Domi-'nions, and of the Dignity and Freedom of Parliaments.

The Petition of the County-Palatine of Lancaſter, *June* 6, 1642.

Moſt Gracious Soverain;

THE moſt real and convincing Teſtimonies of your Princely Care, for the advancement of God's true Religion in your Majeſty's Realms, and the common Good of all your Subjects, could no leſs than draw from us (who have hitherto in theſe ſtirring Times ſat ſtill) this humble Acknowledgment of our due and neceſſary Thanks.

We, with the inmoſt and choiceſt Thoughts of our Souls, do eſteem and prize your Majeſty's moſt righteous Intentions of governing your Liege People according to the wholſome Laws of this Kingdom, a thing ſo often, and with ſo much earneſtneſs avowed by your ſacred Majeſty; whereunto we yeild that hearty Credence which is due to ſo Religious and Righteous a Prince. We

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do alſo with all Humility and Thankfulneſs, acknowledg your manifold and evident Manifeſtations to the World, that you affect not Arbitrary Government, but the common Proſperity and Happineſs of all your Loyal Subjects, by your readineſs to join with your Parliament, in a ſpeedy raiſing of Forces, for a timely ſuppreſſing of that odious Rebellion in *Ireland*, by your late Proclamation for the putting in due Execution the Laws againſt Papiſts; by your moſt gracious condeſcending to the Deſires of your Great Council, in ſigning the Bills for Triennial Parliaments; for relinquiſhing of your Title of impoſing upon Merchandize, and Power of preſſing Souldiers; for the taking away of the Star-Chamber, and High-Commiſſion Courts; for the regulating of the Council-Table; as alſo the Bills for the Foreſts and Stannary-Courts, with other moſt neceſſary Acts. Moreover, we are confident and well aſſured of your Majeſty's Zeal for the advancemnt of the true Proteſtant Religion, and with inexpreſſible Joy, do underſtand your moſt Chriſtian and Pious Reſolution, for the preſervation of thoſe powerful Encouragements of Induſtry, Learning and Piety, the means and honour of the Miniſtry, for the maintenance and continuance of our Church-Government, and ſolemn Liturgy of the Church, of long continued and general Approbation of the moſt pious and learned of this Nation, and of other Countries, compoſed according to the Primitive Pattern by our bleſſed Martyrs, and other religious and learned Men; as alſo your gracious Pleaſure, That all Abuſes of Church and State ſhall be reformed, according to the Model of Queen *Elizabeth*'s days, of ever bleſſed and famous Memory. By the one you have weakened the hopes of the ſacrilegious Devourers of the Churches Patrimonies, if there be any ſuch: and by the other, at once provided againſt all Popiſh Impieties and Idolatries, and alſo againſt the growing danger of Anabaptiſts, Browniſts, and other Novelties. All which Piety, Love, and Juſtice, we beſeech God to return into your Royal Boſom. But yet (moſt Gracious Soveraign) there is one thing that ſads our Hearts, and hinders the Perfection of our Happineſs, which is the Diſtance and Miſunderſtanding between your Majeſty and your Parliament, whereby the Hearts of your Subjects are filled with Fears and Jealouſies, Juſtice neglected, ſacred Ordinances profaned, and Trading impaired, to the impoveriſhing of many of your Liege People: For the removal whereof we cannot find any lawful means without your Majeſty's Aſſiſtance and Direction.

Wherefore we moſt humbly beſeech your moſt Excellent Majeſty, to continue your moſt Chriſtian and Pious Reſolution of ruling your People according to the Laws of the Land, and maintaining of the ſame, of being a zealous Defender of the eſtabliſhed Doctrine, Liturgy and Government of our Church from Hereſy, Libertiniſm and Profaneneſs; an Advancer of Learning, Piety and Religion; an Encourager of painful Orthodox Preachers; and whatſoever your Parliament ſhall offer to your Royal View, conducing to this bleſſed end, the common Good and Tranquillity of your Subjects, to be pleaſed to condeſcend unto, and graciouſly to confirm. And withal, to declare unto us ſome expedient way, how we may make a Dutiful Addreſs unto your Parliament for the taking away of thoſe Differences and Impediments which ſtay the happy Proceedings of that moſt Honourable Aſſembly, whereof your Majeſty is the Head, (which once removed, we doubt not but you will ſpeedily be as near your Parliament in Perſon as in Affection, that there may be a bleſſed Harmony between your Highneſs and that Great Council) and we ſhall with all Alacrity obſerve the ſame, humbly tendring our Lives and Fortunes for the Preſervation of your Royal Perſon, Crown and Dignity, according to our bounden Duty and Allegiance: And heartily praying for your Majeſty's long and proſperous Reign over us.

At the Court at York, June *6, 1642. His Majeſty's Anſwer to the aboveſaid Petition.*

The King's Anſwer.

"THat he is very glad to find *ſuch real Ackrowledgments of thoſe great Graces* "*which he hath bountifully beſtowed upon this his Kingdom of* England, in the "time of this Parliament; and likewiſe it is a great Contentment to him to "find ſo many true Sons of the Church of *England*, as by your Expreſſions

"in

18 Car.

"in the ſaid Petition doth plainly appear to him; aſſuring you that he ſhall not "yield in his Zeal and Conſtancy for the maintenance of the true Proteſtant "Profeſſion, neither to Queen *Elizabeth*, nor to his Father of ever bleſſed "Memory, both againſt Popiſh Superſtition on the one ſide, and Schiſmatical "Innovation and Confuſion on the other. In the laſt place, as he doth take "in very good part your deſire of a good underſtanding between his Majeſty "and his two Houſes of Parliament: ſo likewiſe he cannot but much com- "mend the way that you take therein. And as for your Directions, if you "will but ſeriouſly conſider his Majeſty's juſt and neceſſary Deſires expreſſed "in his Anſwers and Declarations ſince his coming to *York*; your Zeal and "Knowledg will not need more particular Inſtructions to make ſuch Addreſſes "to both Houſes of Parliament, as the times require, and befitting ſuch loyal "and true affected Subjects to their King and Country as this Petition ex- "preſſeth you to be.

The Petition of Hertford, *June 7*, 1642.

Humbly ſheweth;

Petition of *Hertford.*

YOur Majeſty's moſt Loyal Subjects and Petitioners giving your Majeſty moſt humble Thanks for the many good Laws you have lately granted, and alſo for your gracious Profeſſion to maintain the Proteſtant Religion; and ſeriouſly conſidering the great Diſtractions and Diſtempers of this your Kingdom, and the Danger wherein it (with your own Royal Perſon) now ſtandeth; as alſo being very ſenſible of the great Effuſion of Blood lately made betwixt your Majeſty's own Subjects, and of the great Calamities likely to enſue upon this Unnatural and Civil War, unleſs by your Majeſty's Clemency and Mercy it be forthwith ſtaid; your Subjects being in ſhort time likely to fall into great Miſery and Want, as well by reaſon of the decay of Trading, as alſo by the Violence and Rapine of unruly and diſſolute Multitudes, which hope to raiſe themſelves by the Ruine of your Majeſty's good Subjects.

Therefore your Majeſty's Subjects and Petitioners do in all Humility addreſs themſelves unto your Royal Majeſty, earneſtly deſiring that all Hoſtility may ceaſe, and that ſome means of Accommodation and Peace may be obtained, whereby God's Honour, and the true Proteſtant Religion may be maintained, your Majeſty Sacred Perſon, Honour and Eſtate preſerved, and your Parliaments juſt Priviledges, with the Laws of this your Realm, upheld and put in Execution; that ſo your People being freed from their Fears, and ſecured in their Eſtates, may with Hand and Heart teſtify their Obedience both to God and their King.

And your Subjects ſhall daily pray for your Majeſty's long and happy Reign over us.

His Majeſty's Anſwer to the aforeſaid Petition.

The King's Anſwer.

'HIS Majeſty graciouſly accepts the Acknowledgment of the Petitioners, "and is very glad, that in a County ſo near the Violence which hath 'ſought to oppreſs his Majeſty, and where ſo great Induſtry hath been uſed to 'corrupt his good Subjects, and to infuſe into them Thoughts and Reſolutions 'of Diſloyalty againſt him, there is yet ſo grateful a ſenſe of his Majeſty's 'Juſtice, and ſo true a ſenſe of the Calamities of the Kingdom. And his 'Majeſty aſſures the Petitioners, that he ſo far concurs with them in all their 'Requeſts, that they do not more deſire to receive, than his Majeſty doth 'grant all they ask of him.

'Of the preſent Diſtractions and Diſtempers in which the Petitioners ex- 'preſs an honeſt and Loyal Care of the Safety of his Majeſty's Perſon (a 'thing ſo far from being of late regarded, that God only hath preſerved 'him from being deſtroyed by *the bloody Hands of Rebels*) his Majeſty 'doubts not but the Petitioners know from what Fountain they have ſprung;

"and

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'and by the Grievances and Preſſures exerciſed upon their own County, in 'which his Majeſty cannot be ſuſpected to have the leaſt hand, ſo much as by 'Accident, will quickly diſcern, that when that part of the Law which ſhould 'defend his Majeſty, is ſo eaſily maſtered and trodden down, the other part, which 'ſhould ſecure his Subjects, will inſenſibly moulder away, and give them up to 'the ſame Violence; and that when they ſhall too inconſiderately look upon the 'publick Sufferings, they do but invite proſperous ill Inſtruments to bring the 'Miſery home to their own Doors.

'That all Hoſtility may ceaſe, ceaſe for ever, and a bleſſed and happy Ac-'commodation and Peace be made; that God's Honour, and the Proteſtant Re-'ligion, may be maintained; that the juſt Priviledges of Parliament, and the 'Laws of the Land, may be upheld and put in execution, that ſo his good Peo-'ple may be freed from their Fears, and ſecured in their Eſtates, is not, cannot 'be more the Wiſh and Prayer of the Petitioners, than it is the earneſt and in-'ceſſant Endeavour of his Majeſty. And that when the Petitioners remember 'that his Majeſty's Compaſſion of the Miſeries of a Civil War, kept him ſo long 'from endeavouring to raiſe an Army, that he was almoſt ſwallowed up by a '*deſperate Rebellion*, and nothing but *the immediate Hand of God* could have 'ſupplied him with Men, Arms, or Money, for his Defence: And when they 'conſider the ſtrong Licence given or countenanced in the Exerciſe of Religion, 'the Scorn and Contempt the very Proteſtant Religion it ſelf ſuffers by *Brow-'niſts*, *Anabaptiſts*, and *Sectaries*, who in truth have deſtroyed the Civil Peace 'too. When they look upon the ſtrong Invaſion upon the Freedom and Privi-'ledg of Parliament, by the Violence and Faction of ſuch Men, and ſee the 'Laws of the Land, with a loud Voice, vilified and trampled upon; they muſt 'confeſs, 'tis no more in his Majeſty's Power to ſatisfy the Petitioners in their 'moſt juſt Deſires, than to preſerve his own Perſon, Honour and Eſtate, from 'that Fury which threatens that and all the reſt; and that what the Petitioners 'now ask, is the only Argument of his Majeſty's taking up juſt, neceſſary and 'defenſive Arms.

But if the Petitioners ſhall join with his Majeſty, and aſſiſt him to aſſiſt them; 'if they ſhall reſolve to defend the known Laws of the Land, (as the only ex-'cellent Rule) and not to ſubmit to any extravagant arbitrary Power whatſo-'ever; If they ſhall ſet a true Price upon their Religion, (ſealed with the Blood 'of ſo many glorious Martyrs) and on the behalf of it, proteſt againſt all the 'Diſtempers of *Browniſts*, *Anabaptiſts*, and *Sectaries*: If they ſhall help his Ma-'jeſty to reduce the whole Fabrick of Church and State, according to the Mo-'del of Queen *Elizabeth*'s Time, (ſo long and ſeriouſly propoſed by his Maje-'ſty) in which the Foundations were laid of all that Happineſs and Glory 'which the whole Nation enjoyed ſo many Years after, and to which his Maje-'ſty hath made ſo great an Addition of excellent Laws, his Majeſty doubts not 'that any Faction ſhall prevail againſt them, but that other Counties following 'the Example of the Petitioners, in ſhort time his Majeſty, the Petitioners, and 'the whole Kingdom, will find the Accompliſhment of all that is deſired by this 'Petition.

FALKLAND.

The Petition of certain Corniſh Gentlemen, June 26. 1642.

A Corniſh Petition.

WE your Majeſty's moſt Loyal Subjects, in all Duty render unto your Majeſty all Thankfulneſs for your Majeſty's unexempled Favour and Grace, in granting unto your Subjects, by the concurrence with your Parliament, ſuch Laws and Freedoms which have moſt fully expreſſed your Majeſty's gracious Goodneſs unto your People. And we moſt thankfully receive your Majeſty's free Offer of a General Pardon, whereof we moſt humbly deſire to be made Partakers.

And we moſt humbly beſeech your Majeſty, never to ſuffer your Subjects to be governed by an Arbitrary Government, nor admit an Alteration in Religion. And your Petitioners being moſt feelingly grieved for your Majeſty's Diſcon-

tents,

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tents, (partly occaſioned by divers ſcandalous Pamphlets, and ſeditious Sermons, and no way leſſened by unlawful Tumults) do wiſh a Confluence of all Comforts, Honour and Happineſs unto your Majeſty; and do moſt heartily pray for the Reconcilement between your Majeſty and your Parliament.

And in all humble Thankfulneſs for your Majeſty's ſaid Grace and Goodneſs, your Petitioners do offer themſelves moſt ready to maintain and defend, with their Lives and Fortunes, your Majeſty's Sacred Perſon, Honour, Eſtate, and lawful Prerogative, againſt all Perſons whatſoever, according to the Oaths of Supremacy and Allegiance.

Cornub'

John Gritts High-Sheriff.
Warwick Lord *Mohun.*
Sir *John Trelawney* Kt. & Baronet.
Sir *William Wrey* Kt. and Baronet.
John Arundell of *Trerife* Eſq;
Charles Trevanion Eſq;
Walter Langdon Eſq;
Peter Courtney Eſq;
Samuel Coſoworth Eſq;
Richard Prideaux Eſq;
John Arundel Eſq;
Renatus Billot Eſq;
Francis Jones Eſq;
Robert Rous Eſq;
Edward Trelawney Eſq;
Nevil Bligh Eſq;
William Baſtard Eſq;
Charles Grills Eſq;
Nathaniel Dillon Eſq;
William Arundel Gent.
William Courtney Gent.
Edward Courtney Gent.
Walter Glyn Gent.
Edward Cook Gent.
Hugh Pomeroy Eſq;
Ambroſe Billot Gent.
John Samuel Gent.
Nichol Kendall Major of *Loſtwythell.*
Obadiah Ghoſhip Cler'
John Kett Cler'
Thomas Harriſon Cler'
Thomas Porter Cler'
Simon Laun Cler'
John Peter Cler'
George Bruſh Cler'
Bernard Achim Gent.
Theophilus Langhorne Gent.
William Gnanas Gent.
Nicholas Sawell Gent.
William Robinſon Gent.
Thomas Robinſon Gent.
Joſeph Jolley Gent.
Thomas Trear Gent.

The foreſaid Gentlemen ſubſcribed at *Loſtwythell*, unto the Petition directed to his Majeſty, together with Seven thouſand more, Eſquires, Gentlemen, Free-holders, and other Inhabitants which ſubſcribed and ſubſigned the ſaid Petition in their ſeveral Pariſhes.

His Majeſty's Anſwer.

'HIS Majeſty is ſo very well pleaſed with the Duty and Affection of this 'Petition, that he hath commanded me to ſignify his good Acceptance 'of it, and thanks for it to the County of *Cornwal*; and to aſſure them, That as 'he will be always ready to increaſe the Happineſs of his People, by conſenting 'to ſuch new good Laws as ſhall be propoſed to Him for their Advantage; ſo he 'will be forward to venture his Life in maintenance of the Religion and Laws 'eſtabliſhed, which he doubts not, with the Aſſiſtance of the Petitioners, and 'other his good Subjects, he ſhall be able to defend. His Majeſty will be ready 'to grant ſuch a General Pardon to the Petitioners as they deſire, and will no 'longer expect the continuance of their Duty and Affection, than Himſelf con-'tinues true to thoſe Profeſſions he hath ſo often made of maintaining and de-'fending the Religion and Laws of this Kingdom.

FALKLAND.

The

An. 1642.

The Petition of the Counties of Cumberland *and* Weſtmoreland *to his Majeſty.*

June 5, 1642. Petition of *Cumberland* and *Weſtmoreland.*

Moſt Gracious Soveraign;

WE acknowledg, with all poſſible Retribution of Gratitude, your Majeſty's Princely Favour, in yielding your Royal Aſſent to ſuch Bills as have paſſed ſince the beginning of this preſent Parliament: As alſo for your Gracious Declaration to continue the ſame, as Occaſion required, for remedying the Evils and Perils incident to Church and State, and for your firm Reſolution, that the Laws of the Land ſhould be the Rule of your Government. But more particularly endeared to our Memories is that Royal Senſe your Majeſty expreſſed of our dangerous Condition, and impendent Fears, when we ſtood ingaged as part of the Pledg to the Scotiſh-Army; and your perſonal Recommendation thereof to the ſpeedy Conſideration of both your Houſes of Parliament. The former Benefits we hold, as the Fruit of your general Care equally extending to all, by this you ſuffered your Royal Nature to be tendred with a Compaſſion more nearly regarding us; for which Grace, we conceive our ſelves tied in a more ſingular and ſtrait Obligation, than the moſt of your other Subjects are, in which reſpect our juſt Fears might have preſented us too remiſs in performance of this Duty, after ſo many had gone before us, but that our Paucity, and the inconſiderableneſs of theſe Counties, for Quantity and Quality, withheld us thus long, until the two viſible Diſtempers of the Times juſtled out ſuch Fears, as now unſeaſonable. Our own Senſe is our Aſſurance of your gracious Government. We ſee and acquieſce in this Truth, That your Majeſty's Profeſſion of the true Proteſtant Religion, and the Exerciſe of it, go together; nor can we take up any more effectual Ground for a belief of Sincerity. All our Happineſs, and that of all your Dominions would be compleat, and what were wanting, we were in the way for, if a right Underſtanding were renewed between your Majeſty and Great Council.

It is therefore our humble Deſire, That your Majeſty would ſtill be pleaſed, in your Wiſdom, to recollect, and in your Goodneſs to embrace all good Means that may tend to this happy Union, whereby we may keep the true Enjoyment of the long Labours of your Majeſty and Great Council: For the effecting whereof, we ſhall redouble our Petition, that ſome Place may be thought on, which may be free from Exception both of Danger and Diſtruſt, and then we doubt not, but by God's Almighty Power, ſuch Ways and Means might happily be propounded, as may reconcile all Differences and Miſtakings, and your Majeſty have full ſatisfaction in your Demands.

And we (as we are bound) ſhall be ready, according to our Power, with our Lives and Fortunes, to defend your Majeſty's Perſon, Honour, Crown and Dignity, the Religion and Laws eſtabliſhed, againſt all Maligners of your Majeſty's Royal Prerogative, and the Peace and Proſperity of this Kingdom.

Hereunto were annexed the Names of 4774 of the Knights, Gentlemen, *&c.*

The KING's Anſwer.

At the Court at York, July *the* 5*th,* 1642.

HIS Majeſty hath commanded me to give this expreſs Anſwer to this Petition.

'That his Majeſty is very well pleaſed with the Duty and Affection of this 'Petition, and hath commanded me to ſignify his good Acceptance of it, and 'Thanks for it to the Petitioners, and to aſſure them, that if ſome others had 'had the ſame Senſe of, and Gratitude for his Juſtice and Favour towards them, 'in the yielding of his Royal Aſſent to ſo many good Bills as the Petitioners 'have,

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'have, and given as good Credit to his Profeſſions and Proteſtations, for the 'Defence of the Religion and Laws eſtabliſhed, as the Petitioners give, and 'been as ready to recollect and embrace all good Means that might tend to a 'happy Union, and renew a right Underſtanding between his Majeſty and his 'Parliament; as his Majeſty hath been, is, and ever ſhall be. This (by the help 'of God) had been by this time a moſt ſecure, united, and happy Kingdom, 'free from all the preſent Jealouſies, Diſtractions and Dangers.

'And as his Majeſty conſents with the Petitioners in a moſt earneſt deſire that 'ſuch a way may be diſcovered and purſued, which might reconcile all Diffe-'rences and Miſtakings, and by which he may have full Satisfaction in his juſt 'Demands; ſo he likewiſe conſents with them, that the choice of ſome Place, 'free from Exception, both of Danger and Diſtruſt, would be the moſt pro-'bable, and indeed a certain Means to attain that End, which out of his great 'Affection to Juſtice and Peace, and his Care of the Freedom (which is the 'principal Priviledg) of Parliament, his Majeſty hath often intimated, and of 'late ſeriouſly recommended to both Houſes, but not only without Succeſs, but 'without Anſwer.

'His Majeſty doth likewiſe aſſure the Petitioners, that he will no longer ex-'pect that they ſhould make good their Profeſſions of being ready, according 'to their Power, with their Lives and Fortunes, to defend his Perſon, Honour, 'Crown and Dignity, than he ſhall be ready, according to his Power, with his 'Life and Fortune, to defend the Religion and Laws eſtabliſhed, againſt all ma-'ligners of the Peace and Proſperity of the Kingdom.

FALKLAND.

Petition of Holderneſs, *July* 6, 1642.

Petition of *Holderneſs* complaining of Sir *J. Hotham.*

WE your Majeſty's Loyal and Oppreſſed Subjects, having for the ſpace of four Months (with much patience and prejudice) endured great and inſupportable loſs by Sir *John Hotham*'s taking into *Hull* (a diſtinct County from us) part of the Trained-Bands of *Yorkſhire*, contrary to Law, your Sacred Majeſty's Right, and expreſs Command, by detaining our Arms, deſtroying our Trade and Markets, with many more Preſſures upon us than we are willing to repeat. Howbeit, this laſt Attempt of cutting our Banks, drowning part, and endangering the reſt of the Level of *Holderneſs*, is a Preſumption higher than was ever yet attempted by any Subject to our Knowledges; as if Sir *John Hotham* at once intended to deſtroy our Free-holds and Proprieties, and for no other Cauſe, as we conceive, but for ſerving your Majeſty according to our Allegiance, and the known Laws of the Land.

Our moſt humble Prayer therefore is, That your Majeſty will vouchſafe ſpeedily to take the Premiſſes into your gracious and tender Conſideration for ſecuring our Fears.

And your Majeſty's Petitioners, as in Duty bound, ſhall ever pray for your happy and glorious Reign over us.

His Majeſty's Anſwer.

'THat he, with juſt Commiſeration, and all poſſible Compaſſion, conſiders 'the miſerable Condition of the Petitioners, and will, both by publiſhing 'his Proclamations, and by drawing ſuch Forces together as he ſhall be able to 'levy, endeavour the Petitioners Relief in their preſent Sufferings, and preven-'tion of their future, with any Hazard that may befal his own Perſon. In the 'mean time his Majeſty hopes all his good Subjects do plainly diſcern how im-'poſſible it is for their Intereſts to be preſerved, when his juſt Rights and Power 'are taken from him.

FALKLAND.

An. 1642.

Petition of Kent, *Aug.* 1, 1642.

Moſt Gracious Soveraign,

Petition from *Kent.*

WE do with all Thankfulneſs acknowledg your great Care and Favour towards us, and the whole Kingdom, in paſſing many good Laws for the benefit of your Subjects, in promiſing to eaſe us of all our Grievances, and graciouſly inviting us by your Letter directed to the Judg of our Aſſize, full of Love and Care for your Peoples Good, to petition for Redreſs of them, promiſing a gracious Anſwer. And we ſhould with all Humility have preſented them to your Majeſty at this time, did not the preſent great Diſtractions, and Apprehenſions of a Civil War (which we earneſtly pray to God to divert) put us beyond all thought of other Grievances. For Prevention whereof, we have with all Loyalty of Heart to your ſacred Majeſty, with all Love and Faithfulneſs to our Country, preſented our humble Advice in certain Inſtructions to one of our Knights of the Shire, now here preſent with a Committee from the Houſe of Commons, to be preſented by him to that Honourable Houſe.

Moſt humbly deſiring your moſt Excellent Majeſty, that if it ſhall pleaſe the Houſes of Parliament to ſatisfy your Majeſty's juſt Deſires in theſe Particulars, That then your Majeſty would be graciouſly pleaſed to lay down your extraordinary Guards, and chearfully meet your Parliament in ſuch a place where your ſacred Majeſty, and each Member of both Houſes, may be free from Tumultuary Aſſemblies.

And, as in all Duty bound, we ſhall daily pray for your Majeſty's long Life, and proſperous Reign over us.

The King's Anſwer.

HIS Majeſty hath, with great Satisfaction in the Loyalty and Affection of the Petitioners, conſidered this Petition, with the Inſtructions annexed to their Knight of the Shire, and hath expreſly commanded me to return this his Anſwer in theſe words.

'That the Petitioners are not more eaſed and ſatisfied with the good Laws 'his Majeſty hath paſſed, than his Majeſty himſelf is pleaſed with that way of 'obliging his Subjects; neither hath he ever made the leaſt Promiſe or Pro-'feſſion of repairing or redreſſing the Grievances of his People, which he hath 'not been, and will be always ready to perform.

'His Majeſty cannot blame the Petitioners to be apprehenſive of a Civil 'War, ſince the preſent Diſtractions (grounded upon no viſible Cauſe, to 'which his Majeſty could, nor can yet apply a Remedy) threaten no leſs Con-'fuſion. But his Majeſty doubts not that the Petitioners, and all his good 'Subjects, do well underſtand, That his Majeſty hath left no way unattempted, 'which in Honour or Wiſdom could be conſented to, to prevent that Con-'fuſion.

'That after ſo many Injuries and Indignities offered to Him, ſo many Com-'binations and Conſpiracies againſt Him, he departed ſo much from his own 'Majeſty, and the Juſtice due to him, that he required no other Reparation, 'than to have his Town, Goods, and Navy (taken and kept by Violence 'from, and againſt him) to be reſtored to him; the Power of making 'Laws without him, by the way of Ordinances (and that in particular concerning 'the *Militia*) to be diſavowed: And that a ſafe place may be agreed on, 'where he might be preſent with his Great Council, for the compoſing all 'Miſunderſtandings, and making the Kingdom happy.

'That before any Anſwer returned to his Majeſty (whilſt with all Patience 'and Hope his Majeſty forbore any Action or Attempt of Force according to 'Promiſe) Sir *John Hotham* iſſued out of *Hull* in the night, burned the Houſes,

'and

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'and murthered the Perſons of his fellow Subjects, (though he knew his Ma-
'jeſty quietly expected an Anſwer to his reaſonable and neceſſary Demands)
'and hath ſince exerciſed moſt barbarous Cruelty upon a Drummer then taken
'Priſoner by him.

'That thoſe Propoſitions made by his Majeſty, and mentioned by the Peti-
'tioners in their Inſtructions, are diſſented from, and his Majeſty not ſuffered
'to enjoy what is as unqueſtionably his own, as any thing his Subjects can call
'moſt theirs, upon pretence there is ſome Truſt of Foot to diſpoſſeſs his Ma-
'jeſty of them; whether any ſuch Truſt be *derived* from the Petitioners, them-
'ſelves beſt know.

'That a General is made to command his Souldiers againſt him, and Forces
'already marching with Cannon towards him, under the Conduct of the Lord
'*Brook*, whilſt all Labour and Endeavour is uſed to cut off all Succour and
'Supply from his Majeſty, as from a Foreign Enemy.

'When the Petitioners, and all other his Majeſty's Subjects have weighed
'this, and conſidered that theſe ſtrange unheard-of Proceedings muſt be the
'Effect of deſperate Reſolutions, and that all this Calamity is brought upon
'this Nation, to wreſt from his Majeſty his juſt Rights, when no ſober Man
'can ſee the want of any thing which is in his Majeſty's Power to grant, and
'neceſſary for the Peace and full Happineſs of the Kingdom.

'That when all Encouragement is given, Scandals raiſed, and Provocations
'uſed to incenſe the People againſt his Majeſty, and to publiſh Petitions and
'Declarations againſt the known Laws and eſtabliſh'd Government; the Peti-
'tioners, and all other his Majeſty's good Subjects (who out of a true ſenſe of
'the Diſtractions and Ruin the Common-wealth muſt ſpeedily fall into through
'theſe Diſtempers, have prepared ſober and moderate Petitions and Ani-
'madverſions for the Peace of the Kingdom) have been diſcountenanced, cen-
'ſured and impriſoned in a lawleſs arbitrary way, when no Offence hath been
'committed by them, of which the Law hath taken notice. That all their
'Rights, Intereſts and Priviledges which they were born to by the good
'known Laws, are taken from them, or ſubjected to an unintelligible Arbi-
'trary Power and Reſolution, which deſtroys their Confidence and Aſſurance
'even in Innocency it ſelf. They will think it time to provide for their own
'Security, by aſſiſting his Majeſty for the Defence of his Perſon, Preſervation of
'the true Proteſtant Religion, and Maintenance of the Law of the Land, and
'Liberty of the Subject; of the which, as the Petitioners Care is very eminent,
'and deſerves all Protection, Thanks and Eſtimation from his Majeſty, ſo his
'Majeſty will venture his Life and his Crown with them in that Quarrel.

'Laſtly; leſt any of the Petitioners may unjuſtly ſuffer for making, or pre-
'ſenting this humble, dutiful and modeſt Petition to his Majeſty, his Majeſty
'declares that he will with his utmoſt Power and Aſſiſtance protect and defend
'them againſt any Power whatſoever, which ſhall queſtion them for ſo doing;
'and to that purpoſe advertiſeth them, that they are not obliged to yield Obe-
'dience to any Purſevants, Serjeants, or Meſſengers, who ſhall endeavour to mo-
'leſt them for doing their Duty, and diſcharging their Conſciences therein.
'And that the whole County of *Kent* may know his Majeſty's gracious Accep-
'tance of this Expreſſion of their Duty and Affection unto him, it is his
'Majeſty's pleaſure, that this his Anſwer, together with the Petition and In-
'ſtructions, be read in all Churches and Chappels of that County.

FALKLAND.

Petition of Flint, *Aug.* 4, 1642.

Aug. 4, 1462. Petition of *Flint.*

Sheweth,

THat your Petitioners do with all due Submiſſion, Thankfulneſs and Joy of Heart acknowledg the Happineſs they have enjoyed, of a long Peace under your gracious Government, and your Goodneſs in yielding to a ready Redreſs of ſuch Grievances as have grown in that time of Eaſe and Security, and in enacting ſuch Laws in this Parliament as your Petitioners hope will prevent the like for the future.

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They are further tenderly apprehenſive of your Majeſty's tranſcendent Goodneſs, in your free condeſcending to give your People ſo full and clear an account of your Actions and Intentions, and reſt throughly perſwaded of the Sincerity and Conſtancy of your Majeſty's Reſolution to maintain the true Proteſtant Religion in its Primitive Purity, the Laws of the Land in their genuine ſenſe, the juſt Priviledges, Freedom and Frequency of Parliaments, with the Propriety and Liberty of the Subject thereupon depending, and your Majeſty's willingneſs to join with your Great Council, in granting or enacting any other good Laws, that may be for the Publick-weal of your People; who as they have ever flouriſhed and been moſt happy and ſecure in all Acts and Ordinances paſſed by the three Eſtates, and moſt peaceably governed, under the known Laws of the Land:

So it is the humble Prayer of us, your Majeſty's moſt Loyal Subjects, (proſtrating at your Majeſty's Feet our Perſons and Eſtates) for Protection (according to your Oath) from thoſe Dangers we ſhould be driven into, by being bound by any Rule, Order, or Ordinance, whereunto your Majeſty, together with both Houſes of Parliament, ſhall not aſſent.

We alſo further ſupplicate your Majeſty, ſo to maintain us in that ancient and neceſſary Priviledg, as not to ſuffer us to be governed, but by the known and eſtabliſhed Laws of the Land.

And your Petitioners, as in Duty bound, and as by the Oaths of Allegiance and Supremacy they conceive themſelves bound, ſhall not only pray for the Preſervation of your Majeſty's ſacred Perſon, Honour, Eſtate and lawful Prerogative, but ſhall be always ready to hazard their Lives and Fortunes for the Maintenance and Defence of the ſame, againſt all Powers and Perſons whatſoever.

The King's Anſwer.

'HIS Majeſty hath commanded me to return this Anſwer to this Petition, 'That his Majeſty is much pleaſed with the Duty and Affection expreſſed 'by the Petitioners, and with ſo evident a Teſtimony, that the Grievances he 'hath redreſſed; the Laws he hath paſſed, and the Declarations he hath made, 'have produced the Effects for which they were intended, the Satisfaction, 'Gratitude and Confidence of his good Subjects, which he doubts not, but the 'whole courſe of his Government will daily increaſe. That his Majeſty is no 'leſs pleaſed to ſee them ſo ſenſible of what hath, and ever will beſt preſerve 'their Happineſs and Security; and that therefore they deſire only to be go-'verned by that Rule, which he is reſolved only to govern by, the known and 'eſtabliſhed Laws of the Land, aſſuring them, that according to his Oath, he will 'always protect them from the Invaſion of any other aſſumed Arbitrary Power 'whatſoever, as long as he ſhall be able to protect himſelf; being reſolved of 'nothing more, than to ſtand and fall together with the Law. And that he will 'not expect they ſhould be any longer ready to expreſs their Duties to him 'by the hazard of themſelves and Fortunes for the Preſervation of his 'Perſon, Honour, Eſtate and lawful Prerogative, againſt all Powers and Perſons 'whaſoever, than his Majeſty ſhall ever be mutually ready to diſcharge his 'Duty towards them by the hazard of Himſelf and Fortune for the Preſerva-'tion and Defence of the Religion and Laws eſtabliſhed, of the juſt Privi-'ledges and Freedom of Parliament, and of the Liberty and Propriety of 'his Subjects, againſt whomſoever ſhall endeavour either to deſtroy or oppoſe 'them.

FALKLAND.

His

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His Majeſty's Speech to the Gentlemen of Yorkſhire, *on Thurſday the* 4th *of* Auguſt.

Gentlemen;

Aug. 4, 1642. The King's Speech to the *Yorkſhire* Gentlemen.

"WHen I directed that Summons ſhould be ſent out for your meeting "here this day, my principal end was, That I might give you Thanks "for the great forwardneſs and expreſſions you have made of your Affections "to me ſince I came into this Country, and to aſſure you, That as the whole "Kingdom hath great reaſon to value you exceedingly for it, ſo I ſhall be "very unſatisfied with my ſelf, till I have found ſome way to fix a Mark of "Favour and Eſtimation upon this County, and this People, which may tell "Poſterity how good Subjects you have been, and how much Gentlemen: and "I am confident the Memory of it will grow up with my Sons too, in a juſt "acknowledgment. This was the moſt I intended to ſay to you; but there is "an unquiet Spirit abroad, which every day throws in new Accidents to diſturb "and confound the publick Peace. How I was driven from *London*, when I "choſe this place for my Safety, is ſo notorious, that all Men know it who "know any thing. With what ſtrange Violence and Indignities I have been pur-"ſued ſince I came hither, needs no other Evidence than Sir *John Hotham*'s Be-"haviour at *Hull*, who is now arrived to that Inſolence, that he will not ſuffer "his Treaſon to be longer confined within thoſe Walls, but makes Sallies out "of the Town upon his fellow Subjects, drowns their Lands, burns and plun-"ders their Houſes, murders, with unheard-of Cruelty and Torments, their "Perſons; and this with ſo much delight, that he would not have the Patience "to wait what Anſwer ſhould be ſent to my juſt Demands, though in that "reſpect I engaged my ſelf to forbear to uſe any Force, and kept my word, "but choſe the night before that came (as if he well knew what Anſwer I was "to receive) to act thoſe Outrages.

"You ſee the ſad Effects of Fears and Jealouſies, the Miſeries they have pro-"duced; no Man can tell you the leaſt Good they have brought forth, or the "leaſt Evil they have prevented; what Inconvenience and Burden my Pre-"ſence hath been here, what Diſturbance it hath brought upon the publick, or "Grievance upon any private Perſon, your ſelves are beſt Judges. And what-"ſoever Scandal ſome Men have pleaſed to caſt upon the Cavaliers, (which "they intend ſhould reach all my Retinue, and by degrees ſhall involve all "Gentlemen) I am confident, there hath not been any eminent Diſorder or "Damage befallen any Man by any Perſon of my Train, or under my Pro-"tection.

"I am ſure my Directions have been very ſtrict in that Point, and if they "had not been obſerved, I think I ſhould have heard of it by nearer Com-"plaints, than from *London*: I pray God the ſame Care may be taken there. I "am ſure it hath not been. And to give you the fulleſt Teſtimony of my "Affection to you, and to the Peace of this County, and to ſhew you that "no Provocation ſhall provoke me to make this place to be the Seat of the "War; I have for your ſakes paſſed over the Conſiderations of Honour, and "notwithſtanding the Reproaches every day laid on me, laid no Siege to that "place that they may not have the leaſt pretence of doing you Miſchief; but "reſolve by God's help, to recover *Hull* ſome other way, for that I will ever "ſit down under ſo bold and unexcuſable a Treaſon, no honeſt Man can imagine; "but it ſeems other Men are not of my Mind, but reſolve to make a War at "your own Doors, whatſoever you do, or I ſuffer; to what purpoſe elſe "is their new General armed with an Authority to kill and deſtroy all my good "Subjects; their Levies of Horſe and Foot, ſome whereof are upon their "march towards you, with Cannon mounted; and the ſending ſo many new "Souldiers into *Hull*, when there is no Approach made towards it, but to "ſally out and to commit Rapine, and by degrees to pour out an Army upon "you. In this I muſt ask your Advice, What you would do for your ſelves? "and what you would have me do for you? You ſee how I am ſtripp'd of "my Navy at Sea, which is imployed againſt me, of my Forts and Towns at

"Land,

An. 1642.

"Land, which are filled with armed Men to deſtroy me, my Money and "Proviſions of my Houſe taken from me, all my Subjects forbid and threat-"ned if they come near me, that I may by Famine or Solitarineſs be compelled "to yield to the moſt diſhonourable Propoſitions, and to put my ſelf and "Children into the hands of a few Malignant Perſons, who have entred into a "Combination to deſtroy us; And all this done under pretence of a Truſt "repoſed by the People. How far you are from committing any ſuch Truſt, "moſt of the Perſons truſted by you, and your Expreſſions of Duty to me "hath manifeſted to all the World; and how far the whole Kingdom is from "avowing ſuch a Truſt, hath already in a great meaſure, and I doubt not will "more every day appear by the Profeſſions of every County: For I am wholly "caſt upon the Affections of my People, and have no hope but in the Bleſſing "and Aſſiſtance of God, the Juſtneſs of my Cauſe, and the Love of my "Subjects, to recover what is taken from me and them; for I may juſtly "ſay, they are equal Loſers with me.

"Gentlemen, I deſire you to conſider what courſe is to be taken for your "own Security from the Excurſions from *Hull*, and the Violence which threatens "you from thence; I will aſſiſt you any way you propoſe. Next, I deſire you "out of the publick Proviſion, or your private Store, to furniſh me with ſuch "a number of Arms (Muſquets and Corſlets) as you may conveniently ſpare, "which I do promiſe to ſee fully repay'd to you. Theſe Arms I deſire may "be ſpeedily delivered to the Cuſtody of my Lord Mayor of *York*, for my "Uſe, principally from thoſe Parts, which by reaſon of their diſtance from *Hull*. are "leaſt ſubject to the fear of Violence from thence. And whoſoever ſhall ſo furniſh "me ſhall be excuſed from their Attendance and Service at Mutters, till their "Arms ſhall be reſtored, which may well be ſooner than I can promiſe, or you "expect. I deſire nothing of you but what is neceſſary to be done for the "Preſervation of God's true Religion, the Laws of the Land, the Liberty of "the Subject, and the very Being of this Kingdom of *England*; for 'tis too "evident all theſe are at ſtake.

"For the compleating my Son's Regiment for the Guard of my Perſon, "under the Command of my Lord of *Cumberland*, I refer it wholly to your "ſelves, who have expreſſed ſuch Forwardneſs in it.

The Preſentment of the Grand Jury now aſſembled at York, Auguſt 1642.

Humbly ſheweth,

THat having taken into conſideration your Majeſty's gracious Expreſſions to us, and our whole Country, in your Speech of the *4th* of this inſtant *Auguſt*, whereby you are pleaſed to declare your deſire to afford us your Aſſiſtance for the neceſſary defence of this County, in theſe Times of imminent Danger, in ſuch manner as we for our own Defence ſhould propoſe, and to find ſome way to fix a Mark of Favour and Eſtimation upon us: We having taken the ſame into our Thoughts, have unanimouſly concluded upon the Propoſitions hereto annexed, which we preſume humbly to preſent to your Royal Conſideration. And foraſmuch as we find that the Sum of 8690 *l.* 2 *s.* 6 *d.* is neceſſary for our preſent Defence, we moſt humbly beſeech your Majeſty, out of your Princely Wiſdom, to direct ſome ſuch Courſe, whereby the ſame may be ſpeedily provided, and for that (in reſpect of your Majeſty's ſpeedy departure out of theſe Parts) ſuch emergent Occaſions may happen, as will admit of no delay; We likewiſe beſeech your Majeſty, that the ſame Supplies, and all Warrants and Commiſſions mentioned in our Propoſitions to be neceſſary for the Service, may be iſſued out with all expedition.

We the Inhabitants of the County of *York*, conceiving it neceſſary to ſhew the Reaſons of our Reſolutions, for the putting our Selves and County into a poſture of Defence, under his Majeſty's gracious Protection, do declare, That our Sufferings in the late billited Souldiery, and in the late publick Charges, might give us good Reaſon to expect better, than to have heavier Burdens impoſed upon us. The Town of *Hull*, the chief Port of our Trading, under Gariſon, to the diſtraction

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diſtraction of our Traffick, his Majeſty diſpoſſeſſed of his Magazine there; many hoſtile Acts committed, even to the effuſion of Blood; and to add to our Miſeries, the Head forced from the Body by Tumults; and many Members of both Houſes, (Perſons of real Fortunes, and known Integrity) have withdrawn themſelves, conceiving many things to be done againſt the Freedom of Parliaments, and all ſubject to contrary Commands, tending to Arbitrary Government, and deſtructive to Monarchy. In redreſs whereof, we have humbly expreſſed our Grievances to both Houſes of Parliament, by Meſſengers of Quality, one whereof is impriſoned.

This being our Condition, we are forced to reſort to his Majeſty, for ſuch natural Ways as conduce to the preſervation of our Selves, Wives, Children and Fortunes. Our Thoughts tend no farther, than to the Defence of the true profeſſed Proteſtant Religion, in oppoſition to Popery and Schiſmatical Innovations, our known Laws, his Majeſty's Rights and due Prerogatives, againſt all unlawful Votes and Ordinances, though under colour of Religion, or any other Pretence, how ſpecious ſoever; the juſt Priviledges of Parliaments, the Rights, Liberties and Properties of the Subject: And this we declare to all the World, being confident of your Majeſty's gracious Protection of us in theſe our juſt and neceſſary Reſolutions.

1. It is held fit by the Committee, that upon the *24th* of this Inſtant, there be an exact Muſter of all the Horſe of the Trained-Bands at *York*, at the Mannor, by Ten of the Clock in the Morning; and that the Defaulters be ſeverely proceeded againſt; and to this purpoſe a Commiſſion is to iſſue out inſtantly to the Officers, and Warrants to be directed to the Chief Conſtables to Summon accordingly: And it is to be inſerted in the Warrant, That this Meeting is to be for the Defence, Peace, and Quiet of this County.

2. It is likewiſe reſolved, That the Perſons charged with the Trained-Horſe, ſhall be deſired to maintain their Men and Horſe for one Month, from the *24th* of this Inſtant.

3. That his Majeſty may be humbly deſired to appoint Sir *Thomas Glemham* Lieutenant-Colonel, *Henry Watty* and Captain *Winn* to attend the Service of this County.

4. That a Commiſſion of *Oyer* and *Terminer*, and Goal-Delivery, be ſettled at *York*, to be directed to all the Commiſſioners of Array, and Sir *William Bell*, Sir *William Dalton*; Sir *William Wentworth*, and Sir *Thomas Harriſon* to be of the *Quorum*, with the reſt of the *Quorum* in the Commiſſion of Array.

5. That ſuch a Power be given to the Earl of *Cumberland*, as his Majeſty ſhall hold fit for his Honour, and our Security; and that the Earl of *Cumberland* may continue his Troop here to attend him, during ſuch time as it ſhall be neceſſary to employ them here.

6. That his Majeſty would be pleaſed to leave here ſuch Field-Pieces as his Occaſions can ſpare, with neceſſary Proviſion, and Cannoneers; and that ſuch Ammunition be reſtored to the County, as hath been taken out of the Magazine for his Majeſty's Uſe; as alſo the Arms of the Trained-Bands of the County, who were lately brought to *York*.

7. That the Earl of *Cumberland* ſhall receive the Magazine of the County from the Sheriff, as he may be charged with it.

8. That his Majeſty may be humbly moved to give the Wardſhip of ſuch Gentlemens Sons, and others, as ſhall die in his Service, or in Defence of the County.

9. That his Majeſty may be pleaſed, upon the ſetting up of his Royal Standard, to diſpenſe with the appearance of ſuch Perſons of this County, as either aſſiſt his Majeſty in his Wars, or contribute to the Defence of this County.

10. It's ordered, that upon the *25th* of this Month, all the Gentry of this County, cauſe the Number of Corſlets deſired by his Majeſty, to be brought in altogether, thoſe of the Weſt-riding to *Doncaſter*, and thoſe of the Eaſt and North-riding to *York*.

11. It's agreed, that to morrow Morning three Gentlemen in every Diviſion ſhall be appointed to bring in the Names of ſuch of this County as ſhall be thought fit to bring in Horſe, or to contribute to the Number of the 500 to be raiſed in this County.

His

An. 1642.

His Majeſty's Anſwer to the ſaid Articles propounded by the Grand-Jury, and the Declaration delivered by them.

The King's Anſwer to the ſaid Articles.

'HIS Majeſty very well approveth of the firſt and ſecond Articles, and 'hath already given Order for the third and fourth Articles, as is deſired.

'The Earl of *Cumberland*'s Commiſſion is already granted as is deſired; and as 'for the Troop, his Majeſty is contented it ſhall ſtay here, as is deſired; but ex- 'pects that the reſt of thoſe Troops be haſtened to his Majeſty with all Expe- 'dition, and that that which ſtayed, ſhall countenance and protect his Magazine 'going from hence; and in caſe, in his abſence, any more Ammunition come 'from *Holland*, that they, together with the Trained-Bands, ſhould ſecure it to 'the Edg of *Yorkſhire* towards *Nottingham*. His Majeſty hath ſo few Field-Pie- 'ces, that he cannot promiſe he will leave them any, but hath given Orders to 'his Officers of the Artillery, to reſtore ſo much of the Munition of the County 'as he hath made uſe of.

'His Majeſty doth promiſe freely, to give the Wardſhips of all their Sons, 'who ſhall be killed in his Majeſty's Service, or in defence of the County.

'His Majeſty fully conſents to the *9th* and *10th* Articles. His Majeſty withal 'declares himſelf to receive great Satisfaction from the Affections, Carriage and 'Loyalty of this County, and doth promiſe them, that ſince they are reſolved 'upon ſo ſtrong and ſo evident Inducements, to take care of his Majeſty and 'their own Preſervation, and neither to deſert him, nor themſelves, that he will 'be as careful of their Safety as they have been; and will either protect, (which 'by God's Grace he doubts not) or periſh with them.

The Declaration and Proteſtation of the Gentry and Free-holders of the County of York, Auguſt 29, 1642. *againſt the late recited Preſentment.*

WE the Gentry, Freeholders, and others of the County of *York*, whoſe Names are hereunto ſubſcribed, being none or very few of us preſent, and none of us conſenting to the late Aſſembly and Conſultations at *York*; wherein Propoſitions have been made for the raiſing of Forces of Horſe and Foot in this County; the levying of Monies for the maintenance of them, and taking away the Arms of ſome peaceable Subjects; nor any at all of us conſenting to the lawleſs and unprecedented Preſentment of the Grand Juries at the laſt Aſſizes held for this County, being framed to give more ſtrength and colour to part of thoſe Propoſitions. The ſaid Propoſitions and Preſentments being contrary (as we conceive) to the Laws of the Land, and tending to the introducing of an Arbitrary Government, the taking away the Propriety of every Subject in his Eſtate, the Liberty of his Perſon, and the moſt neceſſary Uſe and Privileg of Parliament; and, which is the worſt of all Evils, to beget a War in the Bowels of this County. We thinking our ſelves, and all the reſt of the Subjects of this County, to be ſo highly concerned in the Proceedings afore-mentioned (as without great diſadvantage to us all, we may not be ſilent therein) do make this our Proteſtation and Declaration before God and the World, That as our Actions have hitherto been altogether peaceable; ſo our Deſire, Intentions and Reſolutions are altogether pacifical, and that all our Endeavours and Labours ſhall only tend to the Settlement and Continuance of the Peace according to the Laws of the Land, and to the uniting of the Factions, and taking away the Diſtractions that have moſt unhappily broken the general Unity of the Inhabitants of this County; and that nothing can be more dangerous and deſtructive thereunto, than the raiſing and continuing together in a Body ſuch Forces of Horſe and Foot in this County, as have been propounded and adviſed as aforeſaid, without Conſent and Authority of Parliament: We conceiving the adviſing thereof to proceed from ſome deſtructive Counſels, the end whereof is to embroil this Kingdom

in

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in ſuch a Deluge of War, as hath already (though under other pretences) ſwallowed up the Proteſtant Religion, the Peace and proſperous Condition of the Kingdom of *Ireland.*

And ſeeing his *Sacred Majeſty* hath often declared to us, that the Laws of the Land ſhall be the Rule of his Government; and that he expects it ſhall be the meaſure of our Subjection, we cannot conceive that any of theſe Proceedings ſo grievous to the Subject are conſented unto, or warranted by his Gracious Majeſty,

And therefore we further declare, that we will not conſent, nor as much as in us lies, ſuffer that any ſuch Forces, either Horſe or Foot, be raiſed of the Trained-Bands of this County; nor that Monies be levied for the maintaining thereof, nor that the Arms of any Subjects (other than Popiſh Recuſants) be taken from them, nor will we conſent or ſuffer, in as much as in us lieth, that any War or Hoſtility be acted in this County; nor any Foreign Force brought in upon us. And if any ſuch Attempts ſhall be offered or made, we will endeavour to reſiſt and ſuppreſs them, and to keep the Peace of the County entire, ſo far as the ancient known Laws of the Land, and the late Declarations and Orders of Parliament made upon this emergent Occaſion, ſhall enable us therein. And we likewiſe declare, That we ſhall be moſt ready and willing upon general Summons given at *York*, or any other convenient place to be appointed, to meet the reſt of the Gentry, and other conſiderable Inhabitants of the County, to adviſe of ſuch Matters as may endanger the Violation of the Peace, and may conduce to the prevention thereof, and the uniting of the whole County into an amicable Reſolution to oppoſe all ſuch unlawful Preſſures, ſo as ſuch Aſſembly of the County may be with freedom of every Man's Perſon and Vote, and not over-aw'd by any Forces of Horſe and Foot laid together in a place where they may command the Aſſembly.

In which Aſſembly or Conſultation we declare, That it is not our Intention to decline the provident Care of the Parliament in placing a Gariſon for the preſent at *Hull*, to prevent the Surprizal of that important Place, either by Foreign Forces, or ſuch native Plots and Conſpiracies as are to the Life repreſented to us in that moſt deplorable Kingdom of *Ireland*, which by the bloody Counſels, and the Rebellions of the Papiſts, is in a manner brought to utter Deſolation. And we deſire that this our Declaration and Proteſtation may be publiſhed in all the Pariſh-Churches and Markets of this County, to the end that all Men may take notice of our Legal and Peaceable Reſolution. Dated the *29th* of *Auguſt* 1642.

Subſcribed by

Fer. Fairfax,
Jo. Savile,
Ch. Fairfax,
Jo. Farrer,
Jo. Coppley,
Jo. Farrer,
Tho. St. *Nicholas,*
Jo. Bright,
Tho. Weſtby,
Tho. Fairfax,
William Ingleby,
Tho. Stockdale,
William Liſter,
Tho. Maleverer,
Jo. Maleverer,
Tho. Liſter,
William White,
Rich. Hawkſworth, and many others.

A Letter from the Speaker *of the Houſe of Commons, to the Gentry,* &c. *of the County of* York, *in Anſwer to their Proteſtation.*

My Lords and Gentlemen,

Mr. *Speaker's* Letter touching the ſaid Proteſtation, *Septemb.* the 7*th*, 1642.

I Am commanded by the Houſe to let you know, that it is a very great Satisfaction and Contentment to this Houſe to find the Affections and Reſolutions of your County, ſo worthily and ſeaſonably expreſſed, and with ſo much Wiſdom, as they have obſerved in this your Proteſtation now preſented unto them; upon which this Houſe doth ſet a much higher Rate and Value in reſpect of the many ſubtile Practices of the Malignant Party in your County, both to diſquiet the Peace of the whole Kingdom, and to oppoſe the juſt

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Proceedings of this Houſe, and to beget, if it had been poſſible, a contrary Opinion of you, from which you have now ſo fully vindicated your ſelves, and the moſt conſiderable part of that County.

Nor can we but obſerve, that at this time, when the Proteſtant Religion and Fundamental Laws of the Kingdom, and Liberty of the Subjects are ſo much invaded, as appeareth by that unheard-of Prevalency of wicked Counſel, which hath arrived to that heighth as to procure Houſes of Parliament to be proclaimed Traitors, (a thing never before attempted, no not in the worſt Times) you do with ſo much Zeal and Courage offer your ſelves to ſupport your King, your Religion and Liberty: All which will be preſerved by your faithful adherence to the Parliament.

And beſides all theſe, the Houſe cannot but take notice of your Wiſdom and Fidelity in expreſſing your Deteſtation of thoſe lawleſs Conſultations and Reſolutions at the laſt Aſſizes at *York*, where Propoſitions were made for raiſing Forces both of Horſe and Foot in that County, the levying of Money for the maintenance of them, together with the taking away the Arms of the peaceable and beſt affected Subjects; all which was endeavoured to be ſtrengthened by the bold and illegal Attempts of the Grand-Jury, who at that time did lay aſide all Precedents of Love and Juſtice in ſuch Preſentments as were at that time by them made; which Matter this Houſe will in due time take into ſerious Conſideration.

For your Reſolution to withſtand all theſe ſo illegal Proceedings, the Houſe hath commanded me to return you their moſt hearty Thanks, and to let you know, that this Houſe doth eſteem your Affections herein as the moſt lively Demonſtrations of your Loyalty to his moſt ſacred Majeſty, and infallible Symptoms of your Fidelity, as the only means to preſerve the Felicity of the Engliſh Nation.

Laſtly, This Houſe hath commanded me to let you know, that they do aſſent to your Deſire of publiſhing this your Proteſtation in all Pariſh-Churches, Markets and Fairs within the County, the ſame being, as they conceive, a matter ſo much tending to the Preſervation of the Peace, not only within your County, but likewiſe within the ſeveral parts of the whole Kingdom. And thus I bid you heartily farewel, and reſt,

Your loving Friend,

Dated *Septemb.* 7, 1642. *W. Lenthall.*

Superſcribed,

To the Right Honourable *Ferdinando* Lord *Fairfax*, Sir *Thomas Fairfax*, Knt. *Charles Fairfax*, Eſq; Sir *Tho. Malevorer*, Knt. and Baronet, Sir *Edward Rhodes*, Knt. Sir *John Savile*, Knt. Mr. *Stockdale*, and *John Farrer*, Eſquires; and to the reſt of the Gentry, Freeholders and Inhabitants of the County of *York*, that ſubſcribed the late Proteſtation ſent up to the Houſe of Commons.

A Letter from a Committee of both Houſes at Weſtminſter *into* Yorkſhire, *touching the Lord* Fairfax's *being Commander in chief*, Sept. 27, 1642.

WE have received Information, that at a late Meeting at *Leedes*, divers worthy Gentlemen and others well affected Inhabitants of *Yorkſhire*, have declared themſelves deſirous to preſerve the Peace of that County, and to ſecure his Majeſty's Subjects from thoſe violent Oppreſſions executed upon their Perſons and Eſtates by the Earl of *Cumberland*, the Lord *Savill*, and others, by pretence of the Commiſſion of Array, and other Commiſſions againſt Law; and for that purpoſe have thought upon a Noble Perſon of your County, the Lord *Fairfax* to command in Chief over the Forces of that Shire. And that *John Hotham*, Eſq; lately conferr'd much Help and Furtherance to this noble

Reſolution

Reſolution, by coming out of *Hull* with ſome Forces, both Horſe and Foot. Hereupon we have received Direction from both Houſes of Parliament, to ſignify unto you their Approbation, and to give all Encouragement and Aſſiſtance in theſe Proceedings, as conducing much to that great Work which the Parliament hath undertaken, to ſecure Religion, and the Liberty and Peace of the Kingdom, which are much endangered by the ill Counſel about his Majeſty, and the War now raiſed againſt the Parliament. In purſuance whereof, we have thought good hereby to deſire and authorize you to draw the Forces of that County together, under the Conduct of the Lord *Fairfax*, and to defend his Majeſty's Subjects in their Perſons and Liberties againſt the ſaid Earl of *Cumberland*, or any other that ſhall oppoſe the ſame by pretence of any Commiſſion whatſoever. And for your better performance hereof, we intend to ſend down very ſpeedily ſome Forces of Horſe and Foot from hence, as likewiſe ſome experienced Officers, with ample Inſtructions, in ſuch manner as hath been given to other Parts of the Kingdom in the like Caſe; and to commend the Lord *Fairfax* to the Earl of *Eſſex*, intreating his Excellency to ſend him a Commiſſion to the ſame Effect: And in the mean time we have ſent this Bearer of purpoſe to give you notice of the Intention and Order of the Lords and Commons in Parliament, and of our particular Care to ſecond your good Affections and Endeavours in this ſo neceſſary and advantagious Service of the Kingdom: And ſo remain,

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Weſtminſter, September 27, 1642.
at Eight of the Clock at Night.

Northumberland.

Henry Vane. *Tho. Barrington.*

John Pym. *Henry Marten.*

A Speech delivered to his Majeſty by Sir Charles Dalliſon *Recorder of* Lincoln, *at his Majeſty's Reception into the ſaid City*, July 15, 1642.

Moſt Gracious Soveraign;

WE your Majeſty's moſt Dutiful and Obedient Subjects, before we were encouraged by the Influence of your Majeſty's Preſence, knew not what to do, being amazed with Fears and Jealouſies rumoured and ſpread abroad, whereby divers of your Majeſty's good Subjects were diſtracted, and the more, becauſe we never knew, nor could imagine any cauſe of Fear or Jealouſy.

July 15, 1642. Sir *Ch. Dalliſon*'s Speech to his Majeſty at *Lincoln*.

Sir, I cannot more properly compare our Caſe, than to a Man in perfect Health, yet doth fancy himſelf Sick of a Conſumption; whom if his Fortune be to light of a skilful and honeſt Phyſician, he is in no danger; but if upon an Empirick, it is like his Body ſhall be brought into that Condition, which before he did but fancy himſelf to be in. I am doubtful if theſe Perſons who have been the Cauſe of raiſing and fomenting theſe Fears and Jealouſies, might chuſe their own Phyſician, and apply their own Medicine, it would hazard the Ruin of the Common-Wealth, by aboliſhing the Ancient and Fundamental Laws thereof; but the Subjects of this Nation (God be thanked) are in a better caſe. It is not in the Power of wicked Men, either to make choice of a Phyſician, or to apply the Medicine, Your Sacred Majeſty being our great Phyſician, and without your Majeſty's Conſent and Command, no Medicine can be applied.

And to the unſpeakable Joy and Comfort of all your Majeſty's faithful Subjects, it is ſufficiently ſignified to the World by your Majeſty's moſt Kingly Declarations, expreſſing your Reſolution to Maintain and Govern by the known Laws of this Realm, to defend the true Proteſtant Religion eſtabliſhed by Law, by which means your Loyal Subjects ſhall be preſerved and protected from Arbitrary Government: let the moſt evil affected Perſon then deny, if he can, but

An. 1642. that we have from our King what is to be wiſhed, and that without asking or petitioning. There is only one Queſtion to be asked, and a ſhort Anſwer thereunto; What is now to be done? To which every ingenuous Soul muſt acknowledg the Want is on our Parts, we owe all we have to be diſpoſed by your Majeſty, for the Maintenance and Preſervation of your juſt Rights and Prerogatives, which cannot be maintained but thereby; the Priviledges of your Subjects will be likewiſe defended, (the ſame Law defending both) and under which Law the People of this Nation have been moſt happily governed under your Majeſty, and your moſt noble Progenitors many hundred Years: For the continuation of which Government, for my own particular, (proſtrating my ſelf at your Majeſty's Feet) I humbly offer and render unto your Majeſty, my Self, Eſtate and Fortune.

And, *Sir*, I have Warrant from the Mayor of this City, and the whole Body of this Corporation, to beſeech your Majeſty to accept of the like Offer from them. So with this ſhort Ejaculation I ſhall conclude, beſeeching God to bleſs and preſerve your Sacred Perſon, and this our moſt Noble and Hopeful Prince *Charles*, with all your Royal Iſſue; and that this Nation and People, and all your Dominions, may be Governed by your Majeſty and your Poſterity to the World's End.

The King's Speech to the Gentry and Free-holders of Lincoln.

Gentlemen;

"IF I could have ſuſpected your Affections, or have cenſured the Duty of this "County, by ſome late Actions in it, I ſhould not have taken this pains, to "have given you a Teſtimony of my Affection to you, and to remove thoſe "Objections, which being raiſed by a Malignant Party, may, by their Cunning "and Induſtry, get Credit even with honeſt Minds. The truth is, I come to you "to aſſure you of my Purpoſes and Reſolutions, for the Defence of whatever is "or ſhould be dear unto you, your Religion, your Liberty, your common "Intereſt, and the Law of the Land: And to undeceive you of that Opinion "which I hear hath miſled many of you, that the pretended Ordinance of the "Militia is warranted by my Conſent and Authority. As I have already infor-"med you by my ſeveral Declarations and Meſſages, that the ſame is againſt "the known Law, and an Invaſion of my unqueſtionable Right, and of your "Liberty and Property: So I do now declare unto you, that the ſame is im-"poſed upon you againſt my expreſs Conſent, and in contempt of my Regal "Authority: And therefore whoſoever ſhall henceforth preſume to execute or "obey the ſame, I ſhall proceed againſt them, as againſt ſuch who promote "Rebellion, and actually levy War againſt me: And I doubt not but you will "ſadly conſider, That if any Authority, without and againſt my Conſent, may "lawfully impoſe ſuch Burdens upon you, it may likewiſe take all that you have "from you, and ſubject you to their lawleſs arbitrary Power and Government. "And how far they are like to exerciſe that Juriſdiction towards you, you may "gueſs by the Inſolence of Sir *John Hotham* at *Hull*, who (being a Subject) "not only preſumes to keep his Sovereign, by Force of Arms, out of his "Town, but murders his Fellow-Subjects, impriſons them, burns their Houſes, "drowns their Land, takes them Captives, and commits ſuch Outrages and "Acts of Hoſtility, as the moſt equal and outragious Enemies practiſe in any "Country. That you may ſee how impoſſible it is for your Liberties and Pro-"perties to be preſerved, when your King is oppreſſed, and his juſt Rights taken "from him. Who hath brought theſe Calamities upon your Neighbours at "*Hull*, every Man ſees, and they only can bring the ſame upon you. I will "not believe you to be ſo inſenſible of the Benefits you have received from me, "that I need put you in mind of the gracious Acts paſſed by me this Parliament "on your behalfs; and if there be any thing wanting to the making you the "happieſt Subjects in the World, I am ſure it is not my Fault that you have "not that too. Be not deceived with Words and general Expreſſions; it is not "in your power to name one Particular which might make you happy, that I "have refuſed to grant. Be not frighted with Apprehenſions, that this Coun-

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"try is like to be the Seat of a War: the Seat of a War will be only where "Perſons riſe in Rebellion againſt Me; that will not, I hope, be here, and "then you ſhall be ſure of my Protection. I will live and die in your De- "fence; and that you may be in a readineſs, and a poſture to defend your "Selves and Me againſt any Invaſion or Rebellion, I have Armed ſeveral Per- "ſons of Honour, Quality and Reputation amongſt you, and of your own "County, with a Commiſſion of Array to that purpoſe. There is no honeſt "End declared in that Ordinance, which is not provided for by this Commiſ- "ſion; which being according to the old known Laws, is fit for your Obe- "dience, and I doubt not will find it.

"In a word, I aſſure you, upon the Faith and Honour of a Chriſtian King, I "will be always as tender of any thing which may advance the true Proteſtant "Religion, protect and preſerve the Laws of the Land, and defend the juſt "Priviledge and Freedom of Parliament, as of my Life, or my Crown; and "when I fail in either of theſe, I will not look for your Aſſiſtance; till then, "you are concerned not to ſee Me ſuffer.

The King's Speech at Newark *to the Inhabitants of* Nottingham.

Gentlemen;

"YOur honeſt Reſolutions and Affections to Me and your Country, for the "Defence of my Perſon, and the Laws of the Land, have been, and are "ſo notable, that they have drawn Me hither only to thank you. I go to "other Places to confirm and undeceive my Subjects, but am come hither on- "ly to thank and encourage you. You have made the beſt Judgment of Hap- "pineſs, by relying on that Foundation, which the Experience of ſo many "hundred Years hath given ſuch proof of, the Aſſurance and Security of the "Law: And aſſure your Selves, when Laws ſhall be altered by any other Au- "thority, than that by which they were made, your Foundations are de- "ſtroy'd. And though it ſeems at firſt but to take away my Power, it will "quickly ſwallow all your Intereſt. I ask nothing of you, (though your De- "meanour gives me good Evidence that you are not willing to deny) but "to preſerve your own Affections to the Religion and Laws eſtabliſhed. "I will juſtify and protect thoſe Affections, and will live and die with you in "that Quarrel.

The Petition of the Inhabitants of the Town of Lancaſter, May 11, 1642.

Shewing to your Sacred Majeſty,

OUR Heart-breaking Senſe and Sorrow for the unhappy Rents and Di- ſtractions in your Majeſty's Dominions, eſpecially in the Time of the Seſſion of ſo Grave and Godly an Aſſembly, (moſt graciouſly convened by your Majeſty) endeavouring the Glory of Almighty God in the Reformation of Religion, and the Honour and Weal of your Majeſty, and your Realms, in ſettling and ſecuring of your Royal Throne in Plenty and Peace. But per- ceiving the long and remote Diſtance of your Majeſty from that Honoura- ble Aſſembly, to have diſtracted the Hearts of your good Subjects, and animated the Popiſh and Malignant Party among us, and fearing it may expoſe us to the Danger and Fury of a Foreign Foe, retard the ſettling of the weighty Affairs in our Land, and the ſubduing of the Rebels in *Ire- land*, and finding your Majeſty's late Reſolution for that Expedition to threa- ten Danger to your Royal Perſon, far more worth than Ten thouſand of Us.

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We therefore your Majeſty's moſt Loyal Subjects, out of our Zeal to God's true Religion, your Majeſty's Honour and Safety, and the Peace and Welfare of your Dominions: And out of the deep Senſe and Apprehenſion of our Intereſt in the ſame, do in all humility preſent and proſtrate our Selves and Supplication at your Royal Feet, beſeeching your Majeſty to return to your Great Council, (the Repreſentative Body of your Kingdom) in whom this Nation hath ſo far confided, that they have intruſted them with their Lives and Liberties, and in which multitude of Counſellors there is Health and Stedfaſtneſs, and whereby your Royal Throne may be eſtabliſhed in Righteouſneſs; and we, with the reſt of your faithful Subjects, ſhall continually praiſe and pray for your proſperous and happy Reign over us.

His Majeſty's Anſwer.

'THat this Petition, as ſome others of this Nature, is grounded upon miſinformation; and his Majeſty being grieved, and highly offended to ſee how his 'good People have been and are abuſed by falſe Rumors and Intelligences, (which 'have procured cauſleſs Fears and Apprehenſions) refers the Petitioners to the 'Anſwers he hath given to the Declaration preſented to him at *Newmarket*, and 'to the Petition preſented to him the *26th* of *March* laſt at *York*, wherein his 'Majeſty ſaith, You will clearly perceive that he is not gone, but driven from 'his Parliament. His Majeſty likewiſe, for your further information of his 'Proceedings and Intentions, recommends to your view and conſideration, his 'two Meſſages and Declarations concerning *Hull*, and his Meſſage touching the 'Reaſons of his refuſal to grant the Militia: All which, when they ſhall be 'fully preſented to the reſt of your County, he doubts not but that you will 'reſt very well ſatisfied of his conſtant Reſolution for the maintaining of, and 'governing his People by the Law of the Land; his immoveable Reſolution 'for the Maintenance and Defence of the true Proteſtant Profeſſion, and the 'ſuppreſſion of the barbarous Iriſh-Rebellion. And his Majeſty ſaith, that He 'believes you may then find reaſon to petition the Parliament to comply with 'his Majeſty's juſt Deſires and gracious Offers, which is the only way ſafely and 'ſpeedily to cure the preſent Diſtractions of this Kingdom, and (with God's 'Bleſſing) to put a happy End to the Iriſh Rebellion: For the effecting where'of, (as his Majeſty hath often ſaid) he will neither ſpare Pains, nor decline 'any Hazard of his Perſon or Fortune.

Edw. Nicholas.

CHAP.

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CHAP. VII.

Of the King's Commiſſion of Array; *the Legality thereof controverted, and Paſſages or Rencounters between thoſe that went to put the ſame in Execution, and others that acted upon the Ordinance of the two Houſes for ſetling the* Militia, *in the Months of* June, July *and* Auguſt, 1642.

AS the Houſes had paſſed an Ordinance for ſetling the *Militia* in ſuch Hands as they could confide in, and divers of the Perſons therein named began in ſeveral parts to put it in Execution; ſo on the other ſide, the King charging this Ordinance to be againſt Law, and requiring that none ſhould yield Obedience therunto, did iſſue forth his *Commiſſions of Array* to the reſpective Counties, appointing ſeveral Perſons of Quality to Array, Train and Muſter the People.

This Commiſſion the two Houſes declared to be unlawful; ſo that the ſame was not only much and learnedly controverted by Declarations, *&c.* but alſo the Perſons in the Countries acting by theſe oppoſite Authorities, had many Bickerings one with another, of all which to give an account is the Subject of this Chapter.

The King's Commiſſion of *Array* for *Leiceſter*, June 11, 1642.

The King's Commiſſion of *Array* for *Leiceſterſhire*, June 11th, 1642.

CArolus Dei Gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Rex, Fidei Defenſor, &c. *Chariſſimis Conſanguineis noſtris Hen. Com. Huntington, & Willielmo Com. Devon. necnon dilectis & fidelibus noſtris* Hen. Haſtings, *Armigero, Filio dicti Com. Huntington, Hen. Berkley, Georgio Villiers, Thomæ Burton, Baronett. Hen. Skipwith, Joanni Skeſſington, & Richardo Halford Militibus & Baronettis, Wolſtan Dixe, Richardo Roberts, Joan. Bale, Thomæ Hartop, Eraſmo de la Fountain, & Willielmo Jones, Militibus; Hen. Haſtings de Humberſton, Georgio Aſhby, & Joanni Pate Armigeris, ac Vic. noſtro Com. noſtri Leiceſtr. pro tempore exiſtenti, Salutem. Sciatis quod nos Malitiæ Inimicorum noſtrorum, ſi Regnum noſtrum Angliæ invadere præſumpſerint (quod abſit) Gratia vobis favente Divina reſiſtere, ac pro Salvatione & Defenſione noſtri ac Regni prædicti, & Ligeorum noſtrorum ejuſdem diſponere & ordinare volentes, ut tenemur, aſſignavimus vos, vel aliquos tres, vel plures veſt. ad Arraiand. & Triand. omnes & ſingulos Homines ad arma, ac Homines armatos & ſagittarios in Com. præd. commorantes infra Libertates, & extra ad armari faciend. omnes illos, qui de corpore ſunt potentes & habiles ad armand. qui de ſuo proprio habent unde ſeipſos armare poſſunt, viz. quilibet eorum juxta ſtatum & facultates ſuas, & ad aſſidend. & apportionand. juxta*

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ad viſamentum & diſcretiones veſtras, aut aliquorum trium, vel plurium veſtrûm, ac etiam ad diſtringend. omnes illos, qui in Terris & Bonis ſunt potentes, & pro debilitate corporum ad laborand. impotentes ad inveniend. juxta quantitatem Terrarum & Bonorum ſuorum, & prout rationabiliter portare poterunt (ſalvo ſtatu ſuo) armatur. Hominibus ad arma, & hominibus armatis, ac Arcus & Sagittas, ita quod illi qui morabuntur, ſeu morari poterunt ad domum ſuam propriam in Patria ſua ſuper defenſione ejuſdem Regni contra Inimicos noſtros, ſi periculum eveniat, non capiant vadia, nec expenſas pro mora ſua apud domos ſuas prædict. & ad dictos Homines ad arma, ac Homines armatos, & Sagittarios ſic Arraiatos & munitos continue in Arraiatione, ut in millenis, centenis & vicenis, & alias prout conveniens fuerit, & neceſſe teneri & poni faciend. Aſſignavimus autem vos, aut aliquos tres, vel plures veſtrûm, quorum te præfatum Hen. Comitem Huntington, & in abſentia tua te præfat. Willielmum Com. Devon. vel te præfat. Hen. Haſtings, Filium prædicti Comitis Huntington unum eſſe volumus ad dictos Homines ad arma, ac Homines armatos & Sagittarios ſic arraiat & munit, tam ad Coſteram Maris, quam alia loca, ubi, ac quoties neceſſe fuerit, ad dictos Inimicos noſtros expellend. & debelland. de tempore in tempus, cùm aliquod periculum immineat mandand. & injungend. aſſignavimus etiam vos, aut aliquos tres, vel plures veſtrûm, ad Monſtrum ſive Monſtrationem eorundem Hominum ad arma, ac Hominum armatorum & ſagittariorum de tempore in tempus, quoties indiguerit, diligenter faciendum & ſupervidendum ac etiam ad proclamand. ordinand. & diligenter examinand: quod omnes & ſinguli hujuſmodi Homines ad arma, ac Homines armati & ſagittarii in monſtris hujuſmodi armaturis ſuis propriis, & non alienis, armentur; Sub pœna amiſſionis eorundem, exceptis duntaxat illis, qui ad expenſ. aliorum armari debent, ut prædict. eſt, & ad omnes & ſingulos, quos in hac parte inveneritis contrarios, ſeu Rebelles, arreſtand. & capiend. & eos priſonis noſtris committend. in eiſdem moraturos, quouſq; ſecundum legem inde deliberati fuerint, & ideò vobis diſtrictius quo poſſumus ſuper fide & legeantia, quibus nobis tenemini injungimus & mandamus, quod ſtatim, viſis præſentibus, vos ipſos melius & ſecurius quo poteritis arraiari & parari, & coram vobis ad certos dies & loca, quos videritis magis competentes & expedientes, & pro Populo noſtro minus damnoſos, omnes Homines in patria commorantes per quos Arraiatio & Munitio melius fieri & compleri poterunt, venire & vocari ſac & eos arraiari, armari & muniri, & eos ſic arraiatos & munitos in arraiatione hujuſmodi teneri faciatis, & inſuper ſigna vocat. Beacons poni faciatis in locis conſuetis, per quæ Gentes Patriæ de adventu Inimicorum noſtrorum poterunt congruis temporibus præmuniri, & eoſdem Homines ſic arraiatos & munitos, cùm periculum imminuerit, in defenſionem Regni ac Patriæ prædict. de tempore in tempus, tam ad Coſteram Maris, quam alia loca, ubi magis neceſſe fuerit, duci faciat, vel aliqui tres, aut plures veſtrûm, quorum te præfat. Hen. Com. Huntington, & in abſentia tua te præfat. Willielmum Com. Devon. vel te præfat. Hen. Haſtings, Filium præd. Com. Huntington unum eſſe volumus, duci faciant, ut prædictum eſt, ita quod pro defectu defenſionis, arraiationis, ſive ductionis dictorum Hominum, vel per negligentiam veſtram damna Patriæ prædict. per Inimicos noſtros modo non eveniat ullo modo pro poſſe veſtro. Damus autem univerſis & ſingulis Comitibus, Baronibus, Militibus, Majoribus, Ballivis, Conſtabulariis, Miniſtris & aliis Fidelibus & Ligeis noſtris Com. præd. (tam infra Libertates, quam extra) tenore præſentium firmiter in mandat. quod vobis, & cuilibet veſtrûm in omnibus, ſingulis præmiſſis faciend. & explend. intendentes ſint, Conſulentes & Auxiliantes & tibi præfat. Vic. quod ad certos dies

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dies & loca, quos ad hoc vos, vel aliqui tres, vel plures veſtrûm, ut prædictum eſt, ordinaveritis, venire faciatis coram vobis, vel hujuſmodi tribus, vel pluribus veſtrûm, ut prædictum eſt, omnes illos in Com. præd. per quos Arraiatio, Aſſeſſio & Ordinatio melius poterit fieri & compleri, & illos, quos pro Rebellione ſua capi & arreſtari contigerit, in priſona noſtra Cuſtod. ſicut prædictum eſt. In cujus rei Teſtimonium has præſentes literas noſtras fieri fecim. Patentes; teſte meipſo, undecimo die Junii, Anno Regni noſtri decimo octavo.

Per ipſum Regem. WILLIS.

The Copy of the King's Letter ſent with the Commiſſion of Array to Leiceſterſhire.

CHARLES R.

The King's Letter ſent with the Commiſſion of Array, *June* 12, 1642.

"RIght Truſty, and Right well-beloved Couſins, and Right truſty and well-beloved, We greet you well. Whereas it hath been declared by the "Votes of both Houſes of Parliament the 15*th* of *March* laſt, That the King-"dom hath of late, and ſtill is in ſo evident and imminent danger, both from "Enemies abroad, and a Popiſh diſcontented Party at home, that there is an "urgent and inevitable neceſſity of putting our Subjects into a poſture of De-"fence for the Safeguard both of Our Perſon and People; and that ſithence "divers Inhabitants of divers Counties have addreſſed their Petitions to that "purpoſe. And whereas a ſmall number of both Houſes (after it had been "rejected by the Lords in a full Houſe, and without Our Royal Aſſent, or the "Opinion of the Judges concerning the Legality of it) have attempted by way "of Ordinance, to put in Execution the *Militia* of the Kingdom, and to "diſpoſſeſs many of our ancient Nobility of the Command and Truſt repoſed "in them by Us, and have nominated divers others who have no Intereſt, "nor live near to ſome of the Counties to which they are nominated for the "Lieutenancy, whereby they cannot be properly ſerviceable to the Counties "wherewith they are entruſted; nor our People receive that Content and Se-"curity which we deſire they ſhould. To ſubmit to the Execution of which "Power by the way of Ordinance, without it were reduced into a Law by Act "of Parliament eſtabliſhed by our Royal Aſſent, were to reduce and expoſe our "Subjects to a meere Arbitrary Government, which by God's Grace We ſhall "never permit.

"We therefore conſidering that by the Laws of the Realm it belongeth to "Us to order and govern the *Militia* of the Kingdom; have thereupon by our "Proclamation of the 27*th* of *May* laſt, prohibited all manner of Perſons "whatſoever upon their Allegiance to muſter, levy, or ſummon upon any "Warrant, Order or Ordinance from one or both Houſes of Parliament, "whereunto we have not, or ſhall not give our expreſs Conſent to, any of the "Trained Bands, or other Officers without expreſs Warrant under Our Hands, "or Warrant from Our Sheriff of the County grounded upon a particular "Writ to that purpoſe under Our Great Seal. And conſidering that in ancient "time the *Militia* of the Kingdom was ever diſpoſed of by the Commiſſions "of Array, and that by a particular Statute upon Record in the *Tower*, made "in the fifth Year of *Henry* the Fourth, by full Conſent of the Prelates, Earls, "Barons and Commons, and at their Suit, and by the Advice and Opinion of "the Judges then had, ſuch Commiſſions, were mitigated in reſpect of ſome "Clauſes, perilous to the Commiſſioners, and approved of for the time to "come. And by the ſubſequent Records it appeareth, that all Our Royal "Predeceſſors have continually exerciſed that Power by ſuch Commiſſions, till "of late time they have been diſcontinued by the Grants of particular Com-"miſſions of Lieutenancy, little differing in ſubſtance from the ſaid Commiſſions "of Array, againſt which the Houſes it ſeems have taken ſome Exception. "And tho we are no way ſatisfied of the Illegality of them, Our Counſel

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"being never heard in the Defence thereof; yet being willing to avoid all "Exceptions at preſent, We have thought fit to refer it to that ancient legal "way of diſpoſing the Power of the *Militia* by Commiſſions of Array for "Defence of Us, Our Kingdom and Our County; Authorizing you, or any "three or more of you, to Array and Train Our People, and to apportion and "aſſeſs ſuch Perſons as have Eſtates, and are not able to bear Arms, to find "Arms for other Men in a reaſonable and moderate proportion; and to con- "duct them ſo array'd, as well to the Coaſts, as to other places, for the Oppoſi- "tion and Deſtruction of Our Enemies in caſe of danger, as to your Diſcre- "tions, or any three or more of you, ſhall ſeem meet, whereof you *Henry* "Earl of *Huntington*, and in your abſence, *William* Earl of *Devonſhire*, or *Henry* "*Haſtings* Eſq; to be one. And being both confident in a great meaſure "both of the Loyal Affections of Our People, and very tender to bring any "unneceſſary Burden or Charge on them by augmenting the number of the "Trained Bands: We do for the preſent only require that you do forthwith "cauſe to be muſtered and trained all the ancient Train'd Bands and Freehold- "Bands of the County, carefully ſeeing that they be ſupplied with able and "ſufficient Perſons, and compleatly armed; unleſs you find that there be juſt "cauſe, and that it ſhall be with the good liking of the Inhabitants for their "own better Security to make any increaſe of their Number; and over ſuch "Bands to appoint and ſet ſuch Colonels, Captains and Officers as you ſhall "think moſt fit for the diſcharge of that Service; being ſuch Perſons as have "conſiderable Intereſt in the County, and not Strangers. And in caſe of any "Oppoſition, you are to raiſe the Power of the County to ſuppreſs it, and to "commit all ſuch Perſons as are found rebellious herein into the Cuſtody of "Our Sheriff; whoſe Care and Aſſiſtance We eſpecially require. And that he "ſhall from time to time iſſue forth ſuch Warrants for the aſſembling of Our "People at ſuch Times and Places as by you ſhall be agreed on, according to "the Truſt repoſed in him by Our ſaid Commiſſion. And We have authorized "you our Commiſſioners, or any three of you, after ſuch Array made, from time "to time to train and take Muſters of Our ſaid Bands; and to provide Beacons "and other Neceſſaries, for the better exerciſing of Our People, and diſcovery "of ſudden Invaſions and Commotions. Of all which your Proceedings herein "We expect a plenary and ſpeedy account, according to the Truſt repoſed in "you, and Authority given you by Our Commiſſion on that behalf.

"Given at Our Court at *York* the 12*th* day of *June*, in the 18*th* Year of Our "Reign, 1642.

Die Sabbathi, 18 *Junii*, 1642.

Reſolved upon the Queſtion, by the Lords and Commons aſſembled in Parliament,

Votes of the two Houſes againſt the Commiſſion of Array, *June* 18.

THat this Commiſſion of Array for *Leiceſter* is againſt Law, and againſt the Liberty and Property of Subject.

Reſolved, &c. That all thoſe that are Actors in the putting of the Commiſſion of Array in Execution, ſhall be eſteemed as Diſturbers of the Peace of the Kingdom, and Betrayers of the Liberty of the Subject.

Ordered, That this Commiſſion of Array, and the aforeſaid Votes, ſhall be forthwith printed and publiſhed throughout the Kingdom.

Jo. Brown, Cleric. Parl.

By

18 *Car.*

By the KING.

A Proclamation *to inform all our loving Subjects of the Lawfulneſs of our Commiſſions of Array, iſſued into the ſeveral Counties of our Realm of* England, *and Dominion of* Wales, *and of the uſe of them; and commanding them to obey our Commiſſioners therein named, in the Execution of their ſaid Commiſſions.*

June 20, 1642. The King's Proclamation of the lawfulneſs of the Commiſſion of *Array*.

'WHereas by the Laws of the Land, the ordering and governing of the *Militia* of the Kingdom, for the preventing and ſuppreſſion of all 'Invaſions and Rebellions, hath (as a moſt known and undoubted Right and 'Prerogative) belonged in all time ſolely to our Self, and our Progeni-'tors, Kings of *England:* and accordingly we have heretofore awarded Com-'miſſions of Lieutenancy into the ſeveral Counties of this our Realm, for the 'governing and exerciſing of the Souldiery and Trained Bands there, like as 'Queen *Elizabeth*, and our Dear Father, both of happy Memory, had done 'before Us; and therein (among other things) gave Power to the Commiſſi-'oners in each County, to levy, call together, arm, array and muſter our 'Subjects, inhabiting in the ſaid ſeveral Counties, and to conduct and lead 'them againſt all our Enemies, and all Rebels and Traitors from time to time, as 'often as need ſhould require.

'All which Commiſſions (altho we did ſince the beginning of this Parlia-'ment, grant the like for the County of *York*, to the now Earl of *Eſſex*, with 'the Privity of both our Houſes of Parliament, and without Exception from 'either) have, without hearing any of our Counſel Learned, been ſince voted 'in our ſaid Houſes of Parliament to be illegal and void; the Reaſon whereof 'We have not yet been informed of, nor can imagine; for, that neither any 'illegal Clauſe (if any ſuch be) in thoſe Commiſſions, nor any Exceſs or Abuſe 'of their Authority by any Lieutenants, or their Deputies, in raiſing of Mo-'nies, Taxing of the Inhabitants, or otherwiſe, could by Law make void any 'ſuch Powers as in themſelves were lawful to be granted and put in Exe-'cution.

'And whereas in caſes of Danger and Neceſſity, it had been more ſuitable 'to the condition of the Times, and the good liking of our Subjects, (who 'cannot be well pleaſed with any new ways, how ſpecious ſoever) that our 'Houſes of Parliament ſhould have taken Orders that our Commiſſions of 'Lieutenancy (the courſe whereof had ſo long continued) ſhould for the pre-'ſent have been put in Execution, at leaſtwiſe ſuch part thereof, as was unde-'niably and unqueſtionably legal, and was ſufficient for the Purpoſes before-'mentioned; or that (according to the like Precedents in former Times) they 'would have deſired us to have granted new Commiſſions of that nature, 'omitting ſuch Clauſes as might juſtly have been excepted againſt, which We 'would not have denied; and not to have called in ſo ſuddenly for thoſe 'Commiſſions to be cancelled, as was done (tho we know not by what Law) 'in our Houſe of Peers: Yet notwithſtanding, our two Houſes of Parliament, 'inſtead of ſuch our Commiſſions, under pretence of evident and imminent 'Danger, and urgent and inevitable Neceſſity of putting our Subjects into a 'Poſture of Defence, have made a late Order for the ſetling of the *Militia*, 'under the Name of an Ordinance, (which two or three ſeveral times had been 'refuſed by the major part of Peers) and being made not only without, but 'againſt our Conſent, (the Reaſons whereof are ſufficiently known to all our 'Subjects) is not only without any one warrantable Precedent of former 'Times, (as We believe) but (as We are well aſſur'd) void in Law.

'Wherefore, out of the Care which We have of our People, leſt under 'the pretence of Danger, Neceſſity and want of Authority from Us to put 'them into a Military Poſture, they ſhould be drawn and engaged in any Op-'poſition againſt Us, or our juſt Authority; and that they may know they are

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'by Us otherwiſe provided for, and ſecured againſt all juſt Cauſes of Fears and 'Dangers, and from any Force in a legal Way, (for We are ſo reſolved to rule 'and govern our Subjects, according to our known Laws only) We have 'thought fit, for the preſent, hereby thus timely to publiſh and declare, That 'we have awarded into the ſeveral Counties of our Kingdom of *England*, and 'Dominion of *Wales*, our ſeveral *Commiſſions of Array*, thereby giving Power to 'ſeveral Perſons of Honour, Reputation and Eſtate, in the ſaid Counties, for the 'Safety and Defence of Us, our Kingdom and our good Subjects, from time 'to time, as it ſhall be needful, to Array, Train, Arm and Muſter our Subjects 'inhabiting in the ſaid Counties; and in caſe of imminent Danger, to conduct 'and lead them for the Deſtruction of our Enemies, and in the Defence of their 'Country and the Kingdom.

'Which Power of granting Commiſſions for the Defence of Us and our 'Kingdoms, as it is inherent in Us, and inſeparable from our Crown, ſo it 'hath been warranted by the Precedents of the like Commiſſions in all Ages, 'both before and ſince the Grant of the Great Charter by King *Henry* the Third, 'down to the very Time that Commiſſions of Lieutenancy were granted, and 'was agreed to be Legal by the two Learned Judges, Sir *George Crook* and Sir *Rich.* '*Hutton*, (amongſt all the reſt) in their Arguments, which concluded on the 'Subjects part in our Exchequer-Chamber, in Mr. *Hamden*'s Caſe, as by the ſame '(now ſince printed) may appear, together with divers particular Records in 'ſeveral Ages therein mentioned, to which many more may be added.

'And in theſe our Commiſſions, to prevent all manner of Exception, We 'have, in the Powers given to our Commiſſioners, in all Points followed that 'Commiſſion of Array which was agreed upon by the King and both Houſes of 'Parliament, after Conference with the Judges of the Realm, in the 5*th* Year 'of King *Henry* the 4*th*, and was done upon the Deſire of the Commons, to 'have ſome Alterations from former Commiſſions in certain over-ſtrict Clauſes; 'whereunto nevertheleſs no Exception was taken for the Legality, but the 'King's Aſſent acknowledged as an Act of great Grace, as appeareth by the Par-'liament-Rolls of that Year. Since which time, Commiſſions of Array have 'frequently iſſued for prevention of Danger, either of Enemies abroad or at 'home, (in both which reſpects our Houſes of Parliament have voted this 'Kingdom to be in danger) the ſame being indeed the old ordinary way for 'the Preſervation of the King and Kingdom, who muſt not delay their Prepa-'ration till ſuch Danger break forth into Action, and ſo perhaps prove too late. 'And theſe Commiſſions of Array were not diſcontinued, till by reaſon of the 'Commiſſions of Lieutenancy (which in ſubſtance contained the Powers given 'by thoſe Commiſſions of Array) they came to be of little uſe.

'And whereas by the Statute of the 4*th* and 5*th* Years of the Reign of *Philip* 'and *Mary*, King and Queen of *England*, it is Enacted, That if any Perſon or 'Perſons, that ſhall be commanded generally or ſpecially to Muſter, afore any 'ſuch as ſhall have Authority or Commandment for the ſame, by or from the 'King, or by any Lieutenant, Warden, or other Perſon or Perſons Authorized 'for the ſame, do willingly abſent him or themſelves from the ſame Muſters, 'having no true and reaſonable Excuſe of Sickneſs, or other lawful Impedi-'ment; or at their appearance at ſuch Muſters, do not bring with them ſuch 'their beſt Furniture, or Array and Armour, as he or they ſhall then have, for 'his or their Perſon, in readineſs, that ſuch Perſon or Perſons, ſhall, for every 'ſuch Default and Offence, incur ſuch Penalties, and to be inflicted in ſuch 'manner, as by the ſaid Statute is limited, which Statute is in full Force.

'We do therefore by this our Proclamation, expreſly Charge and Command 'all our Sheriffs, Juſtices of Peace, Mayors, Bailiffs, Conſtables, and all other 'our Officers, and other our loving Subjects of our ſeveral Counties of *England*, 'and Dominion of *Wales* reſpectively, That they be Attending, Aiding, Aſſiſt-'ing, Counſelling, and at the Commandment of the ſaid Commiſſioners of 'our ſeveral Counties reſpectively, in the Execution of their Commiſſions, as 'they will anſwer the contrary at their utmoſt perils.

'And although We can nothing doubt, that any of our loving Subjects ſhall 'or will oppoſe or hinder our ſaid Commiſſioners in the Execution of their 'ſaid Commiſſions, by putting in Execution any Power touching the Militia, 'not warranted by our Authority, or otherwiſe diſturbing our ſaid Commiſſio-

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'ners in the Execution of our Service, conſidering the extream Danger wherein 'ſuch Act may, upon the ſeveral Circumſtances, by the ſtrict Conſtruction of 'Law involve them. Yet leſt any ill-affected Perſons, too far preſuming upon 'our Clemency, and in hope of Impunity or Pardon, ſhould dare offend Us 'and our Laws, contrary to this our Proclamation, We do hereby declare to all 'our Subjects, That whoſoever ſhall, after this our Proclamation publiſhed, do 'any thing in oppoſition to our Commiſſioners, by diſobeying their Commands 'according to Law, or putting in Execution any other Command concerning 'the Militia of our Kingdom, contrary to Law, We ſhall account them unwor- 'thy our Grace and Mercy, and ſuch as muſt expect that Juſtice (how Penal or 'Capital ſoever it be) ſhall be done upon them according to their Deme- 'rits. 18 *Car.*

'Given at our Court at *York*, the 20*th* day of *June*, in the Eighteenth Year 'of our Reign, 1642.

The Declaration of both Houſes of Parliament, concerning the Commiſſion of Array.

WHereas Information hath been given to the Lords and Commons aſſembled in Parliament, that a Commiſſion hath lately iſſued out, under the Great Seal of *England*, directed to the Earls of *Huntington* and *Devonſhire*, *Henry Haſtings* Eſq; and others, commanding them to array all Men within the County of *Leiceſter*, according to their Eſtates and Abilities, and to charge them with Arms, at the diſcretion of the Commiſſioners, or any three of them; and to deſtrain all thoſe that are able, either in Lands or Goods, to find Arms: And ſuch as by reaſon of Impotency are not able to ſerve in Perſon, to find Men at Arms, according to the quantity of their Lands and Goods. And all ſuch Perſons ſo arrayed and armed, to cauſe to be trained and exerciſed, at the pleaſure of the ſaid Commiſſioners, or any three of them: And the Perſons ſo arrayed, to draw to the Coaſts of the Sea, or elſewhere; and ſuch as ſhall oppoſe or contradict the ſame Commiſſion, to commit to Priſon, and there to detain them, until they ſhall be delivered by Law. *July* 1, 1642.

And the ſaid Lords and Commons are further informed, that, together with the ſaid Commiſſion, a Letter under his Majeſty's Hand was directed to the ſaid Commiſſioners, declaring the Legality of the ſaid Commiſſion, to be grounded upon a Statute made in the 5*th Hen.* 4. not printed, with further Inſtructions to the ſaid Commiſſioners, for putting the ſame Commiſſion forthwith in Execution. And that divers Proclamations did iſſue forth, endeavouring to juſtify the Legality of the Commiſſion; the Tenours of which Commiſſion, Letter, Proclamation, and Statute, the ſaid Lords and Commons have cauſed to be annexed thereunto.

The ſaid Lords and Commons are much aggrieved, and do think it ſtrange, that his Majeſty being ſtill miſled by the Suggeſtions of evil Counſellors, after ſo many Declarations, and ſolemn Proteſtations made to his Parliament and People, of his reſolution to Rule and Govern by the Laws of the Land, and to keep and maintain the ſame; And after ſo many Declarations made by both Houſes of Parliament, of their Loyalty and Fidelity to his Majeſty, and of their faithful Endeavours for the preſervation of his Majeſty's Honour and Safety, and for the Welfare, Peace and Happineſs of this Realm, ſhould now be drawn to iſſue out ſuch a Commiſſion, ſo contrary to the Laws, and ſo full of Danger and Inconveniency to all his Majeſty's Subjects; which if admitted, will be a heavier Yoke of Bondage upon the People, than that of Ship-money, or any other illegal Charge, which hath been taken away this Parliament.

And for that it is pretended that the ſaid Commiſſion is warranted by the ſaid Act of Parliament, made in the 5*th* Year of King *Henry* the 4*th*; The Lords and Commons have taken the ſame into conſideration, and find that the ſaid Act of Parliament is no ground to warrant that Commiſſion, or any other Commiſſion of that Nature. And for the more clear manifeſtation of the Truth thereof, they have cauſed that Act, as it is entred upon the Record, to be here-

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with printed, and to declare the Reaſons of their Reſolutions herein. By the Preamble of that Statute it doth appear, that the ſole End thereof was, to put out ſome Clauſes and Words inſerted in the Commiſſion, that were grievous and dangerous for the Commiſſioners, as appears by theſe words in the beginning, *viz.* 'For the many Forfeitures, and divers other Clauſes and Words 'compriſed in the ſame, which were very grievous and hurtful for the Com-'miſſioners named in the ſame Commiſſion in divers Counties of *England*, &c. And theſe words in the latter end; 'And that none of the ſaid Commiſſioners, 'their Heirs, Executors, or Tenants, by reaſon of any Forfeitures, or Penal-'ties, or any other things compriſed, be, or hereafter be any ways moleſted, 'grieved, endamaged, or impeached in any time to come, *&c.* And the Clauſes that were cancelled, and put out of the ſaid Commiſſion, were only ſuch as concerned the Commiſſioners; which appears by comparing the Commiſſion corrected by the Commons, with the Commiſſion that then was iſſued out, which is entred upon the Patent, *Rot.* 5. *H.* 4. *P.* 1. *M.* 28. *Dorſo*; of which the Commons had a Copy delivered unto them, and the Clauſes contained in the Copy delivered them, and cancelled by them, were theſe, *ſcilicet.* *Et ad nos, & Concilium noſtrum, de numero hujuſmodi hominum ad arma, & hominum Armatorum, & ſagittariorum, nec non de toto facto veſtro in hac parte, ſub ſigillis veſtris, vel alicujus veſtrum, citra Octab. Sancti Hillarii, proxime futur', diſtincte & aperte certificand. ſub forisfactur. omnium quæ nobis forisfacere poteritis, & prout vos ipſi reſpondere volueritis, de dampnis & periculis, ſi quæ per veſtri defect. & negligentiam (quod abſit) eveniant.* Then in the Concluſion, *Scientes pro certo, quod ſi periculum, vel dampnum, Regno noſtro prædicto in partibus illis, per inimicos noſtros, pro defectu arrai. & defenſionis, & ductionis hujuſmodi exeunt, (quod abſit) evenerit defectum & periculum hujuſmodi vobis & negligentiæ veſtræ, volumus & debemus reputare, & penitus aſſignare.* And their Prayer in concluſion was, That thereafter no Commiſſion of Array might iſſue out otherwiſe, nor in other words than were contained in the ſaid Copy. And that the Commiſſioners, their Heirs, or Tenements, might not be moleſted or troubled: So that it is to be obſerved, the Commons did not deſire any Amendment or Declaration, as to the Power of the Execution of the Commiſſion, which ſurely did moſt concern them and the Kingdom.

5 *H.* 4. 1. M. 28. *dorſo.*

But touching that, they very well know, that by the Law of the Kingdom, and divers Acts of Parliament then in force, no ſuch Power could be exerciſed over them. For the Statute of *Wincheſter*, made the 13 *E.* 1. then in force, did declare the certain proportion of Arms every Man was to have according to his Eſtate, in Lands or Goods; and the times, and how often their Arms were to be viewed, and by whom, and in what manner their Defaults were to be puniſhed. The Statute it ſelf followeth in theſe words, *viz.*

Stat. 13. E. 1.

'And further it is commanded, That every Man have in his Houſe Harneſs, 'to keep the Peace after the ancient Aſſize; that is to ſay, every Man betwixt 'fifteen Years of Age, and forty Years, ſhall be aſſeſſed and ſworn to Armour, 'according to the Quantity of their Lands and Goods; that is, to wit, from 15 *l.* 'Lands and Goods; forty Marks, that is, to wit, an Hawberk, a Breſt-plate of 'Iron, a Sword, a Knife, and an Horſe. And from 10 *l.* of Lands, and 20 'Marks of Goods, a Hawberk, a Breaſt-plate of Iron, a Sword, and a Knife. 'And from 5 *l.* Lands, a Doublet, a Breſt-plate of Iron, a Sword, and a Knife. 'And from forty Shillings Land and more, unto five Pounds of Land, a Sword, 'a Bow and Arrows, and a Knife. And he that hath leſs than forty Shillings year-'ly, ſhall be ſworn to keep Gyſarms, Knives, and other leſs Weapons. And 'he that hath leſs than twenty Marks in Goods, ſhall have Swords, Knives, and 'other leſs Weapons, and all other that way, ſhall have Bows and Arrows out 'of the Foreſt, and in the Foreſt, Bows and Bolts. And that view of Ar-'mour be made every Year two times; and in all Hundreds and Franchiſes, two 'Conſtables ſhall be choſen to make the view of Armour: and the Conſtables 'aforeſaid, ſhall be preſent before Juſtices, aſſigned for ſuch Default as they do 'ſee in the Country about Armour, and of the Suits of Towns and High-ways; 'and alſo ſhall preſent all ſuch as do lodg Strangers in uplandiſh Towns, for

'whom

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'whom they will not anſwer, and the Juſtices ſhall preſent alſo at every Par-
'liament unto the King ſuch Defaults as they have found, and the King ſhall
'provide Remedy therein. And from henceforth let the Sheriffs take good
'heed, and Bailiffs within their Franchiſes and without, be they higher or lower,
'that have any Bailiwick, Forreſtry in Fee, or otherwiſe, that they ſhall
'follow the Cry with the Country; and after as they are bounden, to keep
'Horſes and Armour ſo to do. And if there be any that do not, the
'Defaults ſhall be preſented ro the Juſtices aſſigned, and after by them to the
'King, as before is ſaid, and the King ſhall provide Remedy. And the
Statute made in the firſt Year of *Edw.* 3. *cap.* 5. Stat. *M.* 29. which followeth
in theſe words. '*Item*, The King willeth, that no Man from henceforth ſhall
'be charged to arm himſelf, otherwiſe than he was wont in the time of his
'Progenitors, Kings of *England*: And that no Man be compelled to go out
'of his Shire but where neceſſity requireth, and ſudden coming of ſtrange
'Enemies into the Realm, and that it ſhall be done as heretofore for defence
'of the Realm, declares the Law to be the ſame Effect with the former: for
'here it's declared no Man can be charged with Arms, otherwiſe than as in
'time of the King's Progenitors, or compelled to go out of his County, but
'in caſe of actual Invaſion. And to the ſame Effect is the Statute made
25. *E.* 3. *cap.* 8. which followeth in theſe words. '*Item*, It is accorded and
'aſſented, That no Man ſhall be conſtrained to find Men of Arms, Hoblers or
'Archers, other than thoſe which hold by ſuch Services, if it be not by com-
'mon Aſſent or Grant made in Parliament, for that is contrary to the Law of
'the Realm. And by another Act of Parliament made 4. *H.* 4. *cap.* 13. the
former Acts of 1. *E.* 3. aud 25. *E.* 3. are all confirmed, as may appear by
the Statute taken out of the Parliament Roll it ſelf, becauſe that the Printed
Book doth not fully recite it, which followeth in theſe words, *viz.*

'To the thrice Excellent, thrice Renowned, and thrice Gracious Soveraign,
'our Lord the King: We your poor Commons pray, That the Statute made
'in the firſt Year of the Reign of the Noble King *Edward*, your Grandfather,
'containing, that none ſhall be diſtrained to go out of their Counties, but only
'for the cauſe of Neceſſity, of ſudden coming of ſtrange Enemies into the
'Realm; and the Statute made in the 18*th* Year of the Grandfather, that Men
'of Arms, Hoblers and Archers choſen to go in the King's Service out of
'*England*, ſhall be at the King's Wages from the day they depart out of the
'Counties where they were choſen. And alſo the Statute made in the 25*th*
'Year of the Reign of the ſaid Grandfather, That none be compelled to find
'Men of Arms, Hoblers, nor Archers, other than thoſe which hold by ſuch
'Services, unleſs it be by common Aſſent and Grant made in Parliament, ſhall
'be holden formally, and kept in all Points ſafe, without being broke in any
'manner; and that none of us the ſaid Commons be diſtrained to go into
'*Wales*, or elſewhere out of the Realm, contrary to the form of the Statute
'aforeſaid. And that all the Commiſſions and Writs made contrary to the
'ſaid Statutes, and all the Indictments and Accuſations, Obligations and Ties
'made by colour of the ſaid Commiſſions or Writs, with all their Dependings
'and Circumſtances thereof, may be revoked, cancelled, quaſhed, and diſanulled
'for ever, as things made againſt the Law, and that they may not be taken for
'an Example in time to come.

'And if any of your Liege People be impriſoned by force of the ſaid
'Indictments or Accuſations, that they be preſently delivered, and the ſaid
'Indictments held void.

'The King conſenteth to this Law with this, that always by force or colour of
'the Supplication, nor of any Statute thereupon to be made, the Lords, nor
'any other that have Lands or Poſſeſſions in the Country of *Wales*, or in the
'Marches thereof, ſhall in no wiſe be excuſed of their Service and Devoiers
'due of their ſaid Lands and Poſſeſſions, nor of any other Devoier or Things
'whereto they or any of them be eſpecially bound to our ſaid Lord the King,
'though that the ſame Lords and others have other Lands and Poſſeſſions within
'the Realm of *England*, nor that the Lords or other, of what Eſtate or Condition
'ſoever they be, that hold by Eſcuage, or other Services due to the King, any
'Lands and Poſſeſſions within the ſaid Realm, be in no wiſe excuſed to do the
'Service and Devoiers due of the ſaid Lands and Poſſeſſions; nor that the
'Lords,

Stat. *ult.* 1. *E.* 3. *cap.* 5. ent. in the Statute Rolls 1. *E.* 3. M. 29.

Stat. 25. *E.* 3. *cap.* 8. entred in the Parliament Rolls, 25. *E.* 3. *N.* 23.
Stat. 4. *H.* 4. cap. 13.
Rot. Parliam. 4. *H.* 4. *N.* 56.

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'Lords, Knights, Eſquires, nor other Perſons, of what Eſtate or Condition they 'be, which hold, and have of the Grant or Confirmation of our ſaid Lord the 'King, Lands, Poſſeſſions, Fees, Annuities, Penſions, or other Yearly Profits, 'be not excuſed to do their Service to the Lord the King, in ſuch manner as 'they are bound becauſe of the Lands, Poſſeſſions, Fees, Annuities, Penſions, 'or Profits aforeſaid. So that the Statutes before-mentioned were all confirmed by the Parliament, held not full one Year before this Statute of 5. *Hen.* 4. And by theſe Acts it clearly appeareth, that the King could not by the Law give Power to impoſe Arms upon the Subjects at pleaſure, or to compel them to be drawn out of their Counties.

'And therefore the Commons of the Parliament of 5 *Hen.* 4. many whereof 'very probably ſerved in the immediate Parliament before, when the Statutes 'aforeſaid were confirmed, knew very well that the Commiſſion of Array 'repreſented to them, could not bind them that had the Law and Strength of 'ſo many Acts of Parliament to protect them. But becauſe the former Acts 'of Parliament did provide Remedy only for the Perſons that were to be 'commanded, and not for the Commiſſioners that were to put thoſe Com-'mands in Execution, upon very great Pains. The Commons, for the In-'demnity of thoſe Perſons, who under colour of thoſe Commands, might pro-'bably be troubled and vexed by Fines or Impriſonments, thought it neceſſary 'to ſecure them, as well as themſelves; and therefore pray'd that the Penal 'Clauſes touching the Commiſſioners might be put out. And though many Commiſſions of Array did afterwards iſſue forth in the times of *Hen.* 4. *Hen.* 5. and *Hen.* 6. yet did not any iſſue agreeable in words and manner with that corrected Commiſſion, as may appear by the Patent-Rolls of thoſe times; and the very next Commiſſion that iſſued out after 5. *H.* 4. which was in the time of 6. *H.* 4. and is entred upon the Patent-Roll 6. *H.* 4. *M.* 15. *Dorſo*, did not agree either in Words or Matter with that of 5. *H.* 4. and moſt of the Commiſſions that afterwards were iſſued vary from that, even in Subſtance; and aſſuredly had it been conceived in thoſe times that the form of the Commiſſion agreed upon 5. *H.* 4. and there entred, had been by that Parliament enacted, they would not have iſſued out ſo many Commiſſions, eſpecially in 6. *H.* 4. being the next immediate Year, of different Words and different Matters, which clearly made them void by that Statute of 5. *H.* 4. for the Statute doth ordain, that no Commiſſion of Array ſhould then after iſſue out otherwiſe, or in other Words than the Copy agreed upon, whereby all Commiſſions in other words or other manner iſſued would be void, and not warranted by that Law, had it enacted that Commiſſion; and that the Law then was, 'That no Perſon 'could be compelled to furniſh and provide Arms and Horſes, and go out of 'his County otherwiſe than is declared by the afore-recited Act of Parlia-'ment, doth not only appear by thoſe Statutes, but by ſeveral Acts of Parlia-'ment, made after 5. *H.* 4. The Statute made in the fourth and fifth Years of '*Philip* and *Mary*, *cap.* 2. repeals all former Statutes concerning the finding of 'Arms, and all Penalties and Forfeitures touching the ſame; and by that Act 'ſettled the proportions of Men, Horſes and Arms that every Man was to 'find, according to the value of their reſpective Eſtates, and ſets down the 'Penalties and Forfeitures of ſuch as ſhould diſobey. And this Law conti-'nued in force until the firſt Year of King *James*; but by a Statute made that 'Year, *Cap.* 25. the laſt mentioned Statute of the fourth and fifth of *Philip* and '*Mary* (probably becauſe of the great proportion of Arms it did impoſe) 'was repealed, and by that Repeal the former Statute of 13. *Ed.* 1. was again re-'vived; for that the Statute of the fourth and fifth of *Philip* and *Mary* that had 'repealed that Law, was repealed; and afterwards in the Parliament 21. *Jac.* '*cap.* 28. the Statute of 13. *E.* 1. *cap.* 6. and of 33. *H.* 8. *cap.* 5. were both 'of them repealed, and then admitting the Commiſſion of Array, as to find-'ing of Arms *juxta ſtatum & facultates*, to be eſtabliſhed by 5. *H.* 4, which 'might have ſome colour to be legal, as to that part for finding of Arms 'grounded upon the Statute of 13. *E.* 1. for that Statute which then was in 'force did enact the finding of Arms, *juxta ſtatum & facultates*, in manner 'as there is expreſſed; yet when the Statute of 13. *Ed.* 1. is repealed, then 'that Commiſſion is likewiſe repealed and become unwarrantable.

6. *H.* Rot. Pat. M. 15. *Dorſo.*

4. & 5. *P.* & *M.* cap. 2.

Stat. 1. *Jac.* cap. 25.

Stat. 21. *Jac.* cap. 28.

Now

Now it is not probable that the Parliament of the firſt of King *James* would have repealed the Statute of the fourth and fifth of *Philip* and *Mary*, and that of the 21ſt Year of King *James* would repeal the Statutes of 13 *E.* 1. and 33 *H.* 8. which in a moderate manner did proportion the Arms every Man was to find in certainy, and ſuffer an Act of Parliament to continue; that did eſtabliſh a Power in the King without limitation, not only to impoſe Arms, but to command the Perſons of the Subjects at pleaſure, for ſuch is the Power of the Commiſſion of Array. And they had ſhewed very little care of their own and the Subject's Liberty in the Parliament of the firſt Year of King *James*, to repeal the Statute of the fourth and fifth of *Philip* and *Mary*, that had repealed all former Statutes, Penalties, and Forfeitures touching finding of Arms; whereby (without queſtion) the Commiſſion of Array (admitting it to be eſtabliſhed by Parliament) was repealed; and thereby to revive the Power of that Commiſſion, which would have ſubjected the People to far greater Bondage. And ſurely had the Commiſſion of Array been authorized by Act of Parliament, whereby Power is given to charge all ſorts of Men without diſtinction with Arms at the diſcretion of the Commiſſioners, without limitation, and to train and exerciſe at pleaſure without reſtraint, either of Time or Place; it was to little purpoſe to make the Statute of the fourth and fifth of *Philip* and *Mary*, *cap.* 3. whereby the Penalty of ten days Impriſonment, or the Payment of forty Shillings is impoſed upon ſuch as do not appear at Muſters, being ſummoned thereunto by the King's Commiſſioners, authorized for that purpoſe: And the Commiſſioners of Lord-Lieutenants, and Deputy-Lieutenants, ſo grievous to the People, and declared illegal in Parliament, had not been ſo often iſſued, and ſo much preſſed upon them, If the Commiſſion of Array, not much differing from it in Power, and not at all leſs grievous to the Subject, might by the Warrant and Authority of the Laws of the Realm have ſupplied their room.

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Stat. 4. & 5. *P.* & *M.* cap. 3.

But if all that hath been ſaid had been omitted, the Illegality of this Commiſſion is ſufficiently cleared by two Statutes made in the King's Majeſty's Reign that now is; the one being the Petition of Right, confirmed this Parliament, and the other enacted this preſent Parliament. For in the Petition of Right, the Lords and Commons do (amongſt other things) ſet forth, that by the good Laws and Statutes of this Realm, the Subjects have inherited this Freedom, That they ſhould not be compelled to contribute to any Tax, Tallage, Aid, or other like Charge, not ſet by common Conſent in Parliament, then they complain, that divers Charges have been laid and levied upon the People in ſeveral Counties by Lord-Lieutenanants, Deputy-Lieutenants, Commiſſioners for Muſters, Juſtices of Peace, and others by Command and Directions from his Majeſty, or his Privy-Council, againſt the Laws and free Cuſtoms of the Realm, ſo that the Law there declared was, That none could be compelled to contribute to any Tax, Tallage, Aid, or other like Charge but by Conſent in Parliament: The breach of that Law to be, for the divers Charges were laid upon the People by Lord's Lieutenants, Commiſſioners for Muſters, and others, by Command or Directions from his Majeſty, which comprehends the caſe in Queſtion: For here is a Tax or Charge impoſed upon the People, by compelling them to find Arms. This Charge is impoſed by Command and Directions from his Majeſty, for it is by Commiſſion under the Great Seal, and all this without the Conſent of the Lords and Commons in Parliament; ſo within the words of the Petition of Right. And it is very well known, and it doth ſufficiently appear, that the Charges there mentioned to be laid by Lords-Lieutenants, and Deputy-Lieutenants, where the charging of the Subjects with Arms againſt Law, by colour of their Commiſſion from his Majeſty. The other Statute made this Parliament, entituled, *An Act for the better raiſing and levying of Souldiers for the preſent Defence of the Kingdoms of* England *and* Ireland: In the Preamble declares in theſe words, *viz.* 'Whereas by the Laws 'of this Realm, none of his Majeſty's Subjects ought to be impreſſed or 'compelled to go out of his County to ſerve as a Souldier in the Wars, ex-'cept in caſe of neceſſity, of the ſudden coming in of ſtrange Enemies into the 'Kingdom; or except they be otherwiſe bound by the Tenure of their Lands 'or Poſſeſſions.'

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And that this Commiſſion is directly contrary to this Declaration, is ſo evident, that it requireth no Application: So that upon the whole Matter, the State of the Caſe in Queſtion ſtands thus.

By divers Acts of Parliament, made in the Times of King *Edward* the Firſt, King *Edward* the Third, and confirmed by a Statute in the fourth Year of *Henry* the Fourth, the Subject was not compellable to find any other Arms than was declared by thoſe Statutes; or to go out of their County, but in caſe of actual Invaſion by Foreign Enemies. And by an expreſs Clauſe of the ſaid Statute of Confirmation, none of the People were to be diſtrained to go into *Wales*, or elſewhere, againſt the Form of the ſaid Statutes. And that all the Commiſſions, and Writs, made contrary to the ſaid Statutes, and all Indictments, Accuſations, Bonds, and things done by colour of the ſaid Commiſſions or Writs, with all their Dependencies and Circumſtances, ſhould be revoked, cancelled, quaſhed, and made void for ever, as things done againſt the Law; and that they ſhould not be drawn in Example in time to come.

Vide, The Form of one them hereunto annexed.

'Then in *October* following, divers Commiſſions, expreſly contrary to thoſe 'Statutes iſſued out to ſeveral Counties of this Realm. In *Hillary* Term next 'following that *October*, another Parliament was called, and then a Copy of that 'Commiſſion was delivered to the Commons, who complained only of divers 'dangerous Clauſes contained in the ſame that concerned the Commiſſioners, for 'whom no Proviſion at all was made by any the former Acts of Parliament, 'and thoſe Clauſes only put out by the Commons, who deſire that no Commiſ-'ſion thereafter ſhould iſſue out otherwiſe, or in other words than are contained 'in the ſaid Copy. But take no further care of themſelves, knowing very well, 'that as to the Power of charging them with Arms, Training, and Exerciſing 'of them, and commanding them out of the Countries, the ſame was ſufficiently provided for in the Parliament before being, all within the compaſs of a 'Year, for that Parliament was ſummoned in *Michaelmaſs*, 4 *H.* 4. And it 'is to be obſerved, that the Commiſſion of Array awarded before that Parliament 'was, at or about the very time the Kingdom was invaded by Foreign Enemies. 'The *French* having aſſaulted the *Iſle of Wight*, and burned *Plimouth*; and the *Scots* 'having entred the North parts of the Kingdom, which probably was the Reaſon 'the Commons did not complain againſt the iſſuing of that Commiſſion; but as 'they do not complain, ſo do they not give it any Eſtabliſhment by *Parliament*.

'And the Law thus continued until 4 & 5 *Phil.* and *Mary*, which repeals all 'Statutes touching the finding of Arms, and provides for it in a ſpecial manner.

'Then that Statute of *Phil.* and *Mary* was repealed, 1 *Jac.* whereby all the 'former Laws were again revived; then the Statutes of 13 *E.* 1. and 33 *H.* 8. 'were repealed by 21 *Jac.* So that the Pretence of the Legality of the ſaid 'Commiſſions, endeavoured to be juſtified by the afore-mentioned Proclamation, doth now appear vain and unwarrantable.

'And though by the ſaid Proclamation it is alleadged, that the Power of 'granting ſuch Commiſſions for the Defence of the King and Kingdom, is inherent to the Crown, and warranted by Precedents of the like Commiſſions in 'all Ages, both before and ſince *Magna Charta*. The Penner of that Proclamation muſt produce thoſe Precedents, and make void divers Acts of *Parliament* 'herein before quoted that prove the contrary, or ſurely he cannot expect to be 'believed.

Rot. Parl. 13. *E.* 3. *M.* 8. 15, 16. *Dorſ.*

'It is true, ſome Precedents he may produce of Commiſſions of Array, before '5 *H.* 4. For divers iſſued out in divers Kings Reigns, and for the moſt part 'they were warranted by particular Acts of *Parliament*. For 13 *E.* 3. it appear-'eth by the *Alncan.* Roll. *M.* 8, 15. that divers Commiſſions of Array did iſſue; 'but 16 *Dorſ.* thoſe Commiſſions were warranted by an Act of Parliament made 'that Year for that purpoſe, as appears by the Parliament Roll. 13 *E.* 3. 1, 2. *N.* 39.

Rot. Parl. 13 *E.* 3. 1, 2. N. 39.

'And the next Year after, divers Commiſſions of the like Nature did iſſue forth, 'and a ſpecial Act of Parliament to warrant the ſame, as appeareth by the Par-'liament Roll. 14 *E.* 3. 1, 2. *N.* 36, and 41. And in the Roll of *Scotland*, 14 *E.* 3. '*N.* 6, 22, 47, 50, 53, 54. and 14 *E.* 3. 3 *M.* 2. *Dorſo.* But how far this may warrant the Legality of the Commiſſion in queſtion, let the World judg.

'Neither can he find any Opinion of Sir *George Crook*, or Sir *Richard Hutton*, in 'their Arguments of Mr. *Hambden*'s Caſe, to prove the Legality of the Com-

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'miſſion in queſtion. And it is much wondered how the Penner of that Proclamation can warrant that Commiſſion by the Statute of the 4*th* and 5*th* of *Phil.* and *Mary*, *cap.* 3. or where in that Statute he finds any Power to compel Men, againſt their Wills, to provide Arms to Train and Muſter at pleaſure; to be commanded out of their Counties, and to be impriſoned during pleaſure. It is true, by that Statute it is ordained, That if any Perſon that ſhall be commanded to Muſter, before any Perſon authorized for the ſame by Commiſſion from the King, do abſent himſelf, or do not bring with him his beſt Furniture or Array, as he then ſhall have in readineſs, he ſhall be impriſoned for ten days, or pay 40*s.* But the Power to charge him with Arms, or to command to Exerciſe and Train, or to impriſon him for Diſobedience during Pleaſure; the Penner of that Proclamation muſt find ſome-where elſe, for he cannot find it in that Statute.

Upon all which it followeth, that the Commiſſion of Array now lately iſſued forth, is not warranted by any Act of Parliament, is contrary to the Law and Cuſtoms of the Realm, deſtructive to the Liberty and Property of the Subject, contrary to the Petition of Right, and the ſaid Statute made this preſent Parliament.

Rotulus Parliamenti tent': apud Weſtmonaſterium in Craſtino Sancti *Hillarii*, Anno Regni Regis *Henrici* quarti, poſt conqueſtum quinto.

Touchant la Commiſſion. de Laraie 24.

ITem: Touchant la Commiſſion de Larraie, pur les pluſours forfaitures, & autres diverſes clauſes & paroles compriſes en ycell, que feurent trop grevouſes damageouſes, & perillouſes pur les Commiſſioners, nomez en m' la Commiſſion es diverſes Countees Dengleterre; dont la copy feuſt liveree as ditz Commons pur ent eſtre adviſez, & de le corriger ſolenc' leur entencions. Meſmes les Commons eue ſur ceo deliberation & advys, firent canceller' certenis clauſis & parols compriſez en ycelle, & prierent au Roy que deſore enavant nul Commiſſion de Larraie iſſeroyt autrement, ne en autres parols que neſt contenuz en la dic' copy; & que des ditz Commiſſioners, lur Heires, Executors, ou Terretenants per cauſe daucuns forfaitures, ou peynes ou aucuns autres choſes compriſez en la dic' Commiſſion, ſoyt ou ſoient deſore aucunement moleſtez, grevez, endamagez, ou empeſches en aucun temps advenir: Quel prier noſtre dic' Sieur le Roy, de L'advis de Sieurs, eue ſur communication oueſque les Judges du Royalme, molt graciouſment ottroia en Parliament': de quel copie le tenure enſuite en ceſtes paroles.

The Copy of the Statute of 5 Hen. 4. *whereby the Commiſſion of Array is ſuppoſed to be warranted, tranſlated into Engliſh.*

Touching the Commiſſion of Array 24.

ITem: Touching the Commiſſion of Array, for the many Forfeitures, and divers other Clauſes and Words compriſed in the ſame, which were grievous, hurtful and dangerous for the Commiſſioners named in the ſame Commiſſion, in divers Counties of *England*; the Copy whereof was delivered to the ſaid Commons to be thereupon adviſed, and to correct it according to their Intentions: The ſaid Commons having had Deliberation and Advice upon it, cauſed certain Clauſes and Words compriſed in the ſame to be cancelled; and prayed the King, that hereafter no Commiſſion of Array iſſue out otherwiſe, nor in other words than are contained in the ſaid Copy; and that none of the ſaid Commiſſioners, their Heirs, Executors, or Tenants, by reaſon of any Forfeitures,

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feitures, or Penalties, or any other things comprized in the ſaid Commiſſion; be, or hereafter be any ways moleſted, grieved, endamaged, or impeached in any time to come: Which Prayer our ſaid Lord the King, by the Advice of the Lords, having hereupon communication with the Judges of the Kingdom, moſt graciouſly granted in Parliament: Of which Copy the Tenour followeth in theſe words.

The Form of a Commiſſion of Array in K. *H.* 4's time, referred unto in the precedent Declaration.

REX, &c.

Dilectis & fidelibus ſuis Thomæ Sackvill, Johanni Caſtellon, Johanni Reynes, Johanni Teringham, Richardo Darches, Wilhelmo Molyns, Johanni Boys, Edmundo Hampden, Simoni Darches, Rogero Dayrell, Rogero Chynæ, Edmundo Brudenal, Johanni Barton *Seniori*, & Richardo Wyott, *at vic' noſtro Buck. ſalutem. Sciatis, quod cum quidam inimici noſtri Regnum noſtrum Angliæ, cum poſſe non modico, preſentibus treugis non obſtantibus, jam tarde hoſtiliter ingreſſi fuerint; & in diverſis partibus ejuſdem Regni combuſſerint. Nos malitiæ hujuſmodi inimicorum noſtrorum, ſi regnum noſtrum prædic' iterato invadere preſumpſerint, quod abſit, gratia nobis favente divina, reſiſtere, ac pro ſalvatione & defenſione noſtri, ac Regni prædicti, & ligeorum noſtrorum ejuſdem diſponere & ordinare volentes, ut tenemur, Aſſignavimus vos conjunctim & diviſim ad arraiandum & triandum omnes & ſingulos homines ad arma, ac homines armatos, & Sagittarios in Com' prædict' commorantes infra libertates, & extra; & ad armari faciendum omnes illos qui de corpore ſunt potentes & habiles ad armandum, qui de ſuo proprio habent, unde ſeipſos armare poſſunt: videlicet, quilibet eorum juxta ſtatum & facultates ſuas, & ad aſſidendum, & apporciand', juxta aviſament', & diſcretiones veſtras; ac etiam ad diſtringend' omnes illos qui in terris, & bonis ſunt potentes, & pro debilitate corporum, ad laborandum impotentes, ad inveniendum juxta quantitatem terrarum, & bonorum ſuorum, & prout rationabiliter portare poterunt, Salvo ſtatu ſuo, armaturas hominibus ad arma, & hominibus armatis, ac arcus & ſagittas: ita quod illi qui morabuntur, ſeu morari poterunt, ad domum ſuam propriam in patria ſua, ſuper defenſionem ejuſdem Regni, contra inimicos noſtras (ſi periculum eveniat) non capiant vadia nec expenſas pro mora ſua apud domus ſuas præd' & ad dictos homines ad arma ac homines armatos & Sagittarios ſic arraiatos & munitos, continue in arraiatione, ut in millenis, centen' & vintenis & alias prout conveniens fuerit & neceſſe teneri & poni faciend' & eos tam ad coſteram Maris quam alia loca ubi & quoties neceſſe fuerit, ad dictos inimicos noſtros expellend' debelland' & deſtruend' de tempore in tempus cum aliq' periculum immineat, mandand' & injungend' & ad monſtrum ſive ad monſtrationem eorundem hom' ad arma ac hominum armatorum, ac Sagittar' de tempore in tempus quotiens indiguerit diligenter faciend' & ſuper intend', ac etiam ad Proclamand' ordinand' & diligenter examinand' quod omnes & ſinguli hujuſmodi homines ad arma & homines armati & Sagittarii in monſtris hujuſmodi armaturis ſuis propriis, & non alienis armentur, ſub pœna amiſſionis eorund', exceptis duntaxat illis qui ad expenſas aliorum armari debent, ut prædict' eſt: & ad omnes & ſingulos quos in hac parte inveneritis contrarios ſeu rebelles, arreſtand' & capiend' & eos in priſonis noſtris committend' in eiſdem moratur' quouſque pro eorum punitione aliter duxerimus ordinand': Et ideo vobis & cuilibet veſtrum deſtrictius quo poſſumus ſuper fide & ligeancia quibus nobis tenemini injungimus & mandamus quod ſtatim viſis præſentibus, vos ipſos melius & ſecurius quo poteritis arraiari & parari, & coram*

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ram Vobis ad certos dies & loca quos videritis magis competentes & expedientes, & pro populo noſtro minus dampnoſos omnes homines in' Patria commorantes per quos arraiacio & munitio hujuſmodi melius fieri & compleri poterunt, venire & vocari fac', & eos arraiari, armari & muniri, & eos ſic arraiatos & munitos, in arraiacione hujuſmodi teneri fac'. Et inſuper ſigna vocata Beacons poni fac' in-locis conſuetis per quæ gentes patriæ de adventu inimicorum noſtr' poterunt congruis temporibus premuniri, & eoſdem homines ſic arraiatos & munitos cum periculum imminuerit, in defenſione Regni & patriæ predictæ de tempore in tempus, tam ad coſteram Maris, quam alia loca ubi magis neceſſe fuerit, duci fac'. Ita quod pro defectu defenſionis, arraiacionis, ſive ductionis dictorum hominum, vel per negligentiam veſtram Dampna Patriæ prædic' per inimicos noſtros amodo non eveniant ullo modo pro poſſe veſtro. Damus autem Univerſis, & ſingulis Comitibus, Baronibus, Militibus, Majoribus, Ballivis, Conſtabulariis, Miniſtris, & aliis fidelibus & ligeis noſtris Com' præd' tam infra libertates quam extra, tenore præſentium firmiter in mandatis quod vobis & cuilibet veſtrum in omnibus & ſingulis præmiſſis faciend' & explend' intendentes ſint, conſulentes & auxiliantes: & tibi præfat' vic' quod ad certos dies & loca quos ad hoc ordinaveritis venire fac' coram vobis omnes illos in Com' præd' per quos arraiacio, aſſeſſio & ordinatio melius poterunt fieri & compleri, & illos quos pro Rebellione ſua capi & arreſtari contigerit, in priſona noſtra cuſtodiatis, ſicut prædictum eſt. In cujus rei, &c. T. R. apud Weſtmon' xx. Die Octobris.

To this Declaration of the two Houſes, his Majeſty *replied*, and the Houſes *rejoined*; which being very large, are referred for the *Appendix*.

Bickerings in *Leiceſterſhire*, between the Commiſſioners of Array and the Lord *Stamford*, in *June* 1642.

On Saturday, *June* the 4*th*, 1642. the Earl of *Stamford*, (appointed by the two Houſes Ordinance for *ſettling the Militia*, Lord-Lieutenant of *Leiceſterſhire*,) came to *Leiceſter*, and iſſued out Warrants to all the Head-Conſtables, to ſummon all the Trained-Bands; and deſired all the private Men within their ſeveral Diviſions, to appear before him, or his Deputies, at the Town of *Leiceſter* on Wedneſday following.

The very ſame Saturday came a Meſſenger from *York* with a Writ to the Sheriff, to publiſh his Majeſty's *Proclamation* to the contrary: Yet the Warrants being ſent out, the Cõuntry came in to the Earl, who appointed to Muſter them at five ſeveral Places of the County, on ſo many diſtinct days, for their greater Eaſe and Conveniency. Whilſt he was doing this, Sir *Richard Hawford*, Sir *John Bale*, *John Pate* Eſq; and others, had prevailed with the Mayor of *Leiceſter* to ſet a Guard upon the Magazine left there; whereupon the Earl, accompanied with the Lord *Ruthen*, Sir *Arthur Hazlerig*, &c. haſted thither, and removed the ſaid Magazine, firſt to a ſtrong Tower called *Newarks-Gate*, and afterwards to the Earl of *Stamford*'s Houſe.

On Wedneſday, *June* 15. the Earl of *Huntington*'s Son, *Henry Haſtings* Eſq; (in the before-recited Commiſſion of Array, named) arrived at *Leiceſter* with his ſaid Commiſſion; and the next day cauſed the Under-Sheriff (in the abſence of the High-Sheriff) to ſend forth Warrants in the High-Sheriff's Name, to the whole County, That as well the Trained Souldiers, as private Men, and the Clergy, ſhould come thither on the Wedneſday following, to be muſtered according to his Commiſſion.

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On Monday following, the Earl of *Stamford* ſet a Guard about his Houſe of 150 of his Neighbours, Tenants, and Servants. On Tueſday, early in the Morning, a Meſſenger, by Warrant from the two Houſes, did Attach the *Under-Sheriff*, for ſending forth Warrants, by virtue of the Commiſſion of Array, and with a ſufficient Guard carried him up to *Weſtminſter*. That Afternoon Mr. *Haſtings* went to *Loughborough*, and ſent out other Warrants himſelf, to Summon all the Towns near him to come in thither next Morning; and being Maſter of certain Cole-Mines, he cauſed all his Horſes belonging to the Carriages, to be in a readineſs, and raiſed 100 Colliers out of *Darbyſhire*, whom he armed with Pikes, Muſquets, and Calievers; and with them, and what other Friends and Followers he could make, marched, with Drums and Colours, towards *Leiceſter*; and being come within three Miles thereof, cauſed Powder, Match and Bullet, to be delivered amongſt them; and ordered the Muſqueteers to charge with Powder and Ball, and march with lighted Matches; and in this Poſture led them into *Leiceſter*.

The Earl of *Stamford* had intelligence of his March; and being furniſh'd with 150 Muſqueteers, and twenty good Horſe, well mounted with Carabines and Piſtols, and the Country generally at his Devotion, could have laid an Ambuſcade, and cut them off by the advantage of the way: But he was loth to begin a War, and therefore choſe rather to ſtand upon his own Guard at Home. Mr. *Haſtings* drawing his Company out into the Field, few of the Trained-Bands meeting him, according to his Summons, made a Speech, and began to read his Commiſſion of Array; But the High-Sheriff cauſed the Votes of the Parliament againſt that Commiſſion to be read; and the Meſſenger from the two Houſes attached the ſaid Mr. *Haſtings*, and ſeveral other the Commiſſioners that were with him; but they were reſcued from him, and two Butchers throwing Mr. *Haſtings* on Horſeback into his great Saddle, he rode with his Company to his Inn, and ſhut up the Gates; and hearing what Men the Lord *Stamford* had in readineſs, and concluding, that the Sheriff would require his Aid, about Midnight left the Town; but his People loſt moſt of their Arms, for by directions from the Earl of *Stamford*, the Houſe-keepers, whilſt they were *aſleep*, ſeized on their Arms, which were ſent to the ſaid Earl's Houſe, *viz.* one great Saddle, three Petronels, about an hundred Pikes, one Launce, above ſixty Muſquets and Calievers, about twenty Swords, and four long Pieces of about ſeven foot in length. For this Action, the Earl of *Stamford* was proclaimed Traitor by the King, but juſtified by the two Houſes.

By the KING.

A Proclamation againſt the forcible ſeizing, or removing, any the Magazine or Ammunition of any County; and concerning the Execution of the Militia within this Kingdom.

July 4, 1642. The King's Proclamation concerning the Militia and the Array.

'WHereas by our Proclamation of the twenty ſeventh of *May* laſt, in purſuance of, and according to the Laws and Uſages of this Realm, we 'did, in our Care of the Peace of the Kingdom, command all our Sheriffs, 'and all Colonels, Lieutenant-Colonels, Serjeant-Majors, Captains, Officers 'and Souldiers belonging to the Trained-Bands of this our Kingdom; and all 'High

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'High and Petty Conſtables, and other Officers and Subjects, not to muſter, levy, 'raiſe or march, or to ſummon or warn upon any Warrant, Order or Ordinance 'from one or both Houſes of Parliament (whereto we had not, or ſhould not 'give our expreſs Conſent) any of our Trained Bands, or other Forces, to 'raiſe, muſter, or march, or exerciſe without expreſs Warrant under our Hand, 'or Warrant from our Sheriff of the County, grounded upon a particular 'Writ to that purpoſe under our Great Seal. And We did thereby publiſh, in 'caſe any of our Trained Bands ſhould riſe or gather together contrary to that 'our Command, we would then call them in good time to a ſtrict account, 'and proceed legally againſt them as Violators of the Laws and Diſturbers of 'the Peace of the Kingdom.

'And whereas we did likewiſe by our Proclamation of the 18*th* day of *June* 'laſt, for the Reaſons therein expreſſed, charge and command all our Officers 'and Miniſters, that they ſhould uſe their utmoſt Endeavours for the ſuppreſſing 'of all Levies and Forces raiſed or to be raiſed without or againſt our Conſent; 'as alſo all our other loving Subjects, that they ſhould be attending, aiding and 'aſſiſting our ſaid Officers and Miniſters therein.

'And whereas we have awarded in the ſeveral Counties of our Kingdom of '*England* and Dominion of *Wales* our ſeveral Commiſſions of Array, thereby 'giving Power to ſeveral Perſons of Honour, Reputation and Eſtate in the 'ſaid Counties, for the Safety and Defence of us, our Kingdom, and our good 'Subjects from time to time, as it ſhall be needful, to Array, Train, Arm and 'Muſter our Subjects inhabiting in the ſaid Counties, and in caſe of imminent 'Danger, to conduct and lead them for the Deſtruction of our Enemies, and 'in Defence of our Country and Kingdom; whereof by our Proclamation of 'the 20*th* day of *June* laſt, we gave notice to all our Subjects, and did thereby 'further charge and command all our Officers and Miniſters, and other our 'loving Subjects, that they be attending, aiding, and aſſiſting, counſelling, and 'at the Commandment of the Commiſſioners, as they would anſwer the con-'trary at their utmoſt Perils; and we did thereby declare, That whoſoever, 'after that our Proclamation publiſhed, ſhould do any thing in Oppoſition of 'our ſaid Commiſſioners by diſobeying their Commands, according to the 'Law, or putting in execution any other Command concerning the *Militia* of 'our Kingdom contrary to Law, we ſhould account them unworthy of Grace 'and Mercy; and ſuch as muſt expect that Juſtice (how penal or capital ſoever 'it be) ſhould be done upon them according to their Demerits.

'Since which time We underſtand, ſome ill-affected Perſons intending the 'diſturbance of the Peace of this Kingdom, and the weakning and impairing of 'our Strength, under colour and pretence of ſome Order or pretended Ordi-'nance of one or both Houſes of Parliament, without Our Conſent, or without 'any Commiſſion or Warrant from Us, have in great numbers forcibly ſeized 'upon, and taken into their own Hands and Power ſome part of the Magazine 'and Ammunition, provided and placed for the Safety and Defence of this 'Kingdom, and carried the ſame, from the place where the ſame was by com-'mon Conſent formerly laid up, to their own Houſes or Poſſeſſions; and have 'alſo taken into their Poſſeſſions, and diſpoſed at their pleaſures the Arms of 'divers of the Trained Bands without their Conſent, whereby they are un-'armed (what occaſion ſoever ſhall happen) for the Defence of Us and our 'Kingdom; and have threatned and endeavoured to arreſt, apprehend, and 'impriſon, or procure Warrants for the apprehenſion, arreſting and impriſoning 'of ſome of our Subjects, for obeying ſome of our ſaid Commiſſioners in 'their Commands, according to the Tenors of their ſaid Commiſſions, or for 'endeavouring to ſuppreſs Levies or Forces raiſed without our Conſent, or 'for refuſing to obey the Orders, or pretended Ordinances of one or both 'Houſes of Parliament, made without our Conſent, concerning the *Militia* of 'our Kingdom, which We cannot interpret to be leſs than Indeavours (as 'much as in them lieth) of levying War againſt Us, and diſcouraging our 'Subjects from aſſiſting Us in the juſt and neceſſary Defence of our Self and 'Kingdom.

'We do therefore by this Proclamation expreſly charge and command all our 'Sheriffs, Juſtices of the Peace, Mayors, Bayliffs, Conſtables, and all other our 'Officers and Subjects whatſoever, upon their Allegiance, and as they tender

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'the Peace of this Kingdom, not to ſeize, remove, diſplace, or intermedle 'with the Magazine or Ammunition of or belonging to the ſeveral reſpective 'Counties of this our Kingdom of *England*, or Dominion of *Wales*, or any of 'them, or any part thereof, upon any ſuch Order or Ordinance made by one or 'both Houſes of Parliament, whereunto we have not, or ſhall not firſt give 'our expreſs Conſent.

'And we do likewiſe charge and command all our ſaid Officers and Mini- 'ſters, and other our Subjects whatſoever, that they uſe their utmoſt Endeavours '(as in their Duties they are bound) for the arreſting and apprehending of all 'ſuch Perſons, as ſhall with any manner of Force by colour of any ſuch Order 'or Ordinance made or to be made by either or both Houſes of Parliament, 'without or againſt our Conſent, detain or keep any Magazine, remove, 'diſplace, or ſhall hereafter under colour of ſuch Order or Ordinance made 'or to be made, ſeize, remove, diſplace, or intermeddle with the Magazine or 'Ammunition of or belonging to the ſeveral and reſpective Counties of this 'our Kingdom of *England*, or Dominion of *Wales*, or any of them, or any 'part thereof, or with the Arms of any of our Trained Bands there; or as 'Commiſſioners or Commanders, ſhall hereafter put in Execution any ſuch 'Order or Ordinance made, or to be made, by either or both Houſes of Par- 'liament, without our Conſent, concerning the *Militia*, by Levying, Arraying, 'Training or Muſtering any of our Subjects, or who ſhall by colour of any ſuch 'Order or Ordinance of either or both Houſes of Parliament, made or to be 'made, apprehend or arreſt any of our Subjects, for endeavouring to ſuppreſs any 'Levies or Forces raiſed or to be raiſed without our Conſent, or for refuſing 'to obey the ſaid Orders, or pretended Ordinance, touching the *Militia*, and 'alſo for the arreſting and apprehending of all ſuch Perſons, as for the ad- 'vancing or countenancing of the Execution of any ſuch Order or Ordinance, 'made or to be made without our Conſent concerning the *Militia*, ſhall actually 'endeavour to apprehend or arreſt any of our Subjects, for obeying our Com- 'miſſioners of Array in their lawful Commands, according to the Tenure of 'their ſaid Commiſſions reſpectively, and the ſaid Offenders to arreſt and ap- 'prehend, to carry to the common Goal of the ſaid County, where the ſaid 'Offenders ſhall be ſo apprehended or arreſted, there to remain till they ſhall 'be delivered by due courſe of Law.

'Given at our Court at *York*, the *4th* day of *July*, in the eighteenth Year 'of Our Reign, 1642.

A Copy of the Commiſſion of Array granted to the Marqueſs of Hertford.

CHARLES R.

Earl of *Hertford*'s Commiſſion of Array, *Aug.* 2, 1642.

'*Charles* by the Grace of God, King of *England*, *Scotland*, *France* and '*Ireland*, Defender of the Faith, *&c.* To Our Right-Truſty, and 'Right well-beloved Couſin and Counſellor, *William* Marqueſs of *Hertford*, 'Greeting.

'Whereas there are now, at and near the City of *London*, great Forces le- 'vying, and Monies raiſing by way of Contribution, and otherwiſe, towards 'the Charge of raiſing and maintaining an Army, or Forces, by Order of our 'two Houſes of Parliament; not only without our Conſent, but contrary to 'our ſeveral expreſs Commands, publiſhed by ſeveral Proclamations, Letters, 'and otherwiſe: And the ſame Forces are actually in ſo much forwardneſs, as 'that there are divers Horſe-men daily exerciſed and trained in places about our 'ſaid City of *London*; and great Numbers of Foot raiſing, and a General, and 'other principal Officers declared. We have found it neceſſary to levy and 'raiſe Forces, for the Defence of the Proteſtant Religion, our Perſon, the two 'Houſes of Parliament; and for the Laws of the Land, the Liberty and Pro- 'perty of the Subject, and Privileg of Parliament. And for the ſpecial Truſt 'and *Confidence we have* and do *repoſe in your approved Wiſdom*, Fidelity, *Valour*,

'and

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'and great Ability, do *Name*, *Aſſign*, *Conſtitute*, and *Ordain*, you the ſaid *William* Mar-'queſs of *Hertford*, *to be our Lieutenant-General*, of all ſuch Forces, as by virtue of this 'our Commiſſion ſhall be levied and raiſed, or by virtue of this our Commiſſion 'ſhall be brought unto you, within all or any our Counties of *Devon*, *Cornwal*, *So-'merſet*, *Dorſet*, *Southampton*, *Glouceſter*, *Berks*, *Oxon*, *Hereford*, *Monmouth*, *Radnor*, *Brech-'nock*, *Glamorgan*, *Carmarthen*, *Pembrook*, *Cardigan*; and in our Cities of *Exeter*, *Briſtol*, '*Glouceſter* and *Oxford*, and the Counties of the ſame: And likewiſe in our 'Cities of *Bath* and *Wells*, New *Salisbury* and *Hereford*; and alſo in our Towns of '*Pool*, *Southampton*, and *Haverford Weſt*, and the Counties of the ſame Towns.

'And therefore we do give you full Power and Authority, in caſe of any In-'vaſion, Inſurrection and Rebellion, or any of them; and for the ſuppreſſion 'or prevention of acting, or further executing the ſame, *to raiſe* and *levy Forces*, 'as well of our Trained-Bands as others, within all, or any of the ſaid Coun-'ties and Places, as well within Liberties as without, meet and apt for the 'Wars. And likewiſe to command and *enjoin the Commiſſioners* of our Commiſ-'ſions *of Array*, and *Sheriffs* of our ſaid ſeveral Counties; and *all our Lieutenants* 'which are, or ſhall be of or for our ſaid ſeveral Counties, and every or any 'of them reſpectively, from time to time, according to ſuch Direction as you 'ſhall receive from Us, or as you in your good Diſcretion, for the Purpoſes 'aforeſaid, ſhall think fit to ſend, or cauſe to be ſent unto you ſuch Numbers of 'our ſaid Subjects, apt and meet for the Wars, armed and arrayed as afore-'ſaid, to ſuch Place or Places, and at ſuch Times as ſhall be directed by Us, or 'as you by your Wiſdom and good Diſcretion for Our ſaid Services ſhall re-'quire; or from Our ſaid Commiſſioners, Sheriffs, or Lieutenants, to be ſent, 'brought, or conducted unto you.

'And we do further by theſe Preſents, *give you full Power* and Authority, *to Try*, *Ar-'ray*, and put in readineſs the Perſons ſo by you to be raiſed, levyed, or aſſembled, 'ſent, conducted, or brought unto you: And them alſo, and every of them 'after their Abilities, Degrees, and Faculties, well and ſo ſufficiently cauſe to be 'armed and weaponed, and to take the Muſters of them from time to time in 'Places moſt meet for that purpoſe, after your good Diſcretion. And alſo the 'ſame our good Subjects *ſo Arrayed*, *Tried* and *Armed*, as well Men of Arms, 'as other Horſe-men, *Archers*, and Foot-men, of all kinds of Degrees meet 'and apt for the Wars, *to conduct* and *lead*, as well againſt all and ſingular *Ene-'mies*, *Rebels* and *Traitors*, and every of their Adherents, attempting any thing 'againſt Us, our Crown and Dignity, *in any of the ſaid Counties* or Places, from 'time to time as occaſion ſhall require; and the ſaid Enemies, Traitors and 'Rebels, *to invade* and repreſs; and *in caſe of Oppoſition* or Reſiſtance, *to Slay*, *Kill*, 'and *put to Execution* of Death, by all Ways or Means, according to your good 'Diſcretion; and to do, fulfil, and execute all other things which ſhall be re-'quiſite for the Levying, Conducting, and Government of the ſaid Forces, for 'the Conſervation of our ſaid Realms and Subjects in Peace. And alſo we 'give you full Power and Authority to make, conſtitute and ordain Laws and 'Proclamations, from time to time, as the Caſe ſhall require, for the good Go-'vernment and Order of all the Forces that ſhall be under your Command; 'and the ſame and every of them to cauſe to be duly proclaimed, performed, and 'executed againſt the ſaid Enemies, Traitors and Rebels, and every of them, 'their, and every of their Adherents: And of ſuch Offenders apprehended, or 'being brought into Subjection, *to ſave whom you ſhall think fit to be ſaved.* And 'our further Will and Pleaſure is, and we do by theſe Preſents give unto you 'full Power and Authority, in caſe any Invaſion of Enemies, *Inſurrections* or 'Rebellions ſhall happen to be moved *in any Place of this our Realm*, *within or 'without the Limits of this our Commiſſion*; that then (as often as Need ſhall re-'quire, by your good Diſcretion, or as you ſhall be directed by Us by any 'ſpecial Commandment) you with ſuch Power to be levied within the Limits 'of this our Commiſſion, as you ſhall think requiſite, or as ſhall be directed 'from us, as is aforeſaid, ſhall, with all diligence, repair to the Place or Places 'where any ſuch Invaſion, Rebellion, or Inſurrection, ſhall be made to ſubdue, 'repreſs and reform the ſame, *as well by Battel*, or *other kind of Force*, as other-'wiſe, according to the Laws of this our Realm, and according to your good 'Diſcretion. And our further Will and Pleaſure is, and we do by theſe Preſents 'give unto you full Power and Authority, in caſe any Invaſion of Enemies, In-

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'ſurrections or Rebellions, ſhall happen to be moved in any of the ſaid Coun-
'ties, or Places, that then, and *as often* as you ſhall perceive any ſuch Offences
'or Occaſions to grow or ariſe, you, with all the Power you can make, ſhall,
'with all diligence, *repair to the Place* where any ſuch Invaſions, Inſurrection or
'Rebellion ſhall happen to be made; and to ſubdue, repreſs, and reform the
'ſame, and every of them. And we do give full Power and Authority to you,
'for the *Execution of this Commiſſion, to appoint*, and *aſſign all Commanders and Offi-*
'cers, neceſſary and requiſite for Government, and Command of our Army.
'And further alſo, that in caſe you ſhall in your Diſcretion think fit to divide,
'or *diſpoſe the ſaid Forces by Land*, or *by Sea*, into ſeveral Parts, That then you
'may, as often as occaſion ſhall be, divide and diſpoſe the ſame, for the purpoſes
'aforeſaid, into ſuch Parts and Places, at your Pleaſure; and appoint ſuch Com-
'manders over ſuch parts of the ſaid Forces, as in your Diſcretion you ſhall
'think meet. And we do further give and grant unto you, full Power and Au-
'thority for Us, and in our Name, (as occaſion ſhall require according to your
'*Diſcretion)* by publick Proclamation, to make *tender of* our Royal *Grace and Par-*
'don, to all ſuch Traitors and Rebels (if any ſhall be) as ſhall ſubmit to Us,
'and deſire to be received to our Mercy. And for the better execution of this
'our Service, We do further give and grant to you full Power and Authority,
'(as occaſion ſhall require) whenſoever you ſhall (according to the intent of
'theſe our Letter Patents) have an Army or Forces under your Command *in*
'our abſence, to command all our Forts and Caſtles now fortified, or hereafter to be
'fortified in or near the Parts or Places, where the ſaid Army ſhall be; and to
'remove, diſplace, or continue the Captains, Lieutenants, Commanders and
'Souldiers, as you ſhall think meet for the Good and Safety of this our
'Kingdom.

'Wherefore we Will and Command you, our ſaid Lieutenant-General, with
'all diligence, duly to execute the Premiſſes with Effect: And whatſoever you
'ſhall do, by virtue of this our Commiſſion, and according to the Tenour and
'Effect of the ſame, touching the execution of the Premiſſes, or any part
'thereof, you ſhall be for the ſame by theſe Preſents diſcharged in that behalf
'againſt Us, our Heirs and Succeſſors.

'And further, we Will and Command all and ſingular, our *Lieutenants,*
'Deputy-Lieutenants, Officers of our Ordinance, Juſtices of Peace, Mayors, She-
'riffs, Bailiffs, Conſtables, Headboroughs, and all other our Officers, Miniſters
'and Subjects, meet and apt for the Wars, within the ſaid Counties and Places
'to whom it ſhall appertain, That they, and every of them, from time to time,
'ſhall be attendant, *aiding, aſſiſtant*, and helping to you, and at the Command-
'ment of you, as aforeſaid, in the execution hereof, as they and every of them
'tender our Pleaſure, and will anſwer for the contrary at their utmoſt Perils.
'Nevertheleſs, our Will and Pleaſure is, That you the ſaid *William* Marqueſs of
'Hertford, in the execution of this our Commiſſion, ſhall from time to time,
'proceed according to ſuch private Inſtructions, as are or ſhall be delivered un-
'to you, under our Sign Manuel. In witneſs whereof, we have made theſe our
'Letters to be made Patents, and to have continuance during our Pleaſure.

'Witneſs, *&c.* our Self at *York*, the ſecond of *Auguſt*, 1642.

The King's Majeſty's Inſtructions *unto the Earl of* Northampton, *the Lord* Dunſmore, *the High Sheriff of the County of* Warwick, *and the reſt of the Commiſſioners, for putting the Commiſſion of* Array *in Execution in the ſaid County of* Warwick.

CHARLES Rex.

Inſtructions for executing the Commiſſion of Array.

'HAving by our Proclamations at large ſet forth the Occaſions and Neceſ-
'ſity of diſpoſing and ordering the Militia of this Kingdom, and con-
'cerning the Legality of our Proceedings therein; We have, in purſuance of
'that Legal Power, and for the neceſſary Defence of Us, our Kingdoms, and

'your

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'your Country authoriſed you our Commiſſioners, or any three or more of 'you, by our Commiſſion of Array, to array, and train all the Inhabitants in 'your County (as well within Liberty as without) which are of Body able, and 'Eſtate competent to bear Arms every one of them according to their Eſtates 'and Faculties, and to aſſeſs and diſtrain ſuch as are able in Goods and Lands '(and bear no Arms) to find Arms for other Men in a proportion ſuitable to 'their Eſtates (ſo that ſuch Perſons as are ſo arrayed for the Defence of the 'Kingdom take no Wages, nor Coſts, ſo long as they ſtay at home) and to 'diſpoſe of the Perſons ſo arrayed into Regiments, Companies, or other Di-'viſions as ſhall be convenient. We have alſo aſſigned you, or any three or 'more of you, whereof you *Spencer* Earl of *Northampton*, or you *Francis* Lord '*Dunſmore* to be one, to command or enjoyn our Subjects ſo arrayed, as well 'to the Sea-Coaſts as other places, for Expulſion, Suppreſſion and De-'ſtruction of our Enemies from time to time when need ſhall require.

'We have alſo aſſigned you, or any three or more of you, from time to time 'to take view and muſter of our ſaid Men, and to proclaim, order and ex-'amine, that all our Men ſo array'd appear in ſuch Muſters with their own 'Arms (not other Mens) under pain of loſing them, except only ſuch as are 'to be arrayed at the Coſt of other Men, as aforeſaid.

'And you are hereby authorized to arreſt and attach all ſuch Perſons as 'rebel or make Oppoſition, and commit them to our Priſons, there to remain 'till they be thence delivered according to Law, requiring you ſtrictly upon 'your Allegiance, that forthwith upon the Receit hereof, you cauſe your ſelves 'to be well and ſecurely prepared and armed, and call before you at ſuch 'days and places as ſhall be expedient, all ſuch Perſons, by whom ſuch 'Array and Defence is to be prepared, ſo that they may be competently 'provided, arrayed, and armed; and that they continue in ſuch Array, and alſo 'to provide and place Beacons in uſual and convenient places, whereby our 'good People may receive timely notice of all Invaſions and Commotions, ſo 'that for defect of ſuch Defence, Array, or Conduct by your Negligence, 'Damage accrue not to our People in any ſort.

'And we have likewiſe given ſtrict Charge and Command to all Earls, Ba-'rons, Mayors, Bailiffs, Conſtables, and all other Officers of the Peace, and 'all our Liege People, that in all and ſingular the Premiſes they aid and aſſiſt 'you.

'And to our Sheriff of our County, to whom you are to direct your 'Warrants, that he iſſue Warrants to the Conſtables to aſſemble our People, at 'ſuch days and places, as you, or any three of you, ſhall ordain and appoint, 'and to keep and detain in Priſon ſuch Perſons as ſhall be committed for their 'Rebellion or Contempt herein (as more at large by the Commiſſion appeareth.) 'And being unwilling in our Princely Care for our People, to bring any increaſe 'of Charge upon them, we hope for the preſent it will be ſufficient, that you 'only ſummon and train the ancient and free-hold Bands of the County (and 'your number be ſupplied with ſufficient and able Perſons) taking ſpecial care 'that they be well arrayed, and under Conduct of ſuch Perſons as are Perſons 'of Quality, having conſiderable Eſtates and Intereſts in the County, and 'not Strangers, unleſs you find it ſhall be well-pleaſing to our People, and for 'the neceſſary Defence of the Country to make any Augmentation of their 'Arms.

'And you are to take notice that *Recuſants* being diſabled in Law to bear 'Arms, are to be aſſeſſed to contribute to find Arms for other Men; and if their 'Tenants that are Proteſtants bear Arms, you are to receive them. For the 'better knowledg of your particular Duties herein, you are all to take Copies 'of theſe Inſtructions, and to take Tranſcripts of our ſaid Commiſſion, the 'Original to remain with one of thoſe of the *Quorum*; and of your Proceedings 'herein we expect a ſpeedy and plenary Account.

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The Lord Willoughby *of* Parham *his Letter to a Member of the Houſe of Lords, upon his being nominated by the two Houſes, Lord Lieutenant for the County of* Lincoln.

My Lord;

L. *Willoughby's* Letter *June* 6, 1642, upon his being nominated Lord Lieutenant.

I Received a Letter from your Lordſhip, in which the Houſe is pleaſed to do me a very great Honour, far above any Deſert of mine, and little expected by me: For, my Lord, I well know my Obedience ties me to fulfil their Commands, and in that I have done, I have done but my Duty, and that which every honeſt Man ought to do, and oweth of right to the Parliament; and whoſoever hath that Principle in him, it will dictate to him as much, and keep him from other by-ways. And for my own part my Heart ever was, and ſhall ever be both forward and ready to obey their Lordſhips Commands in all things both with Integrity and Induſtry. And God's Curſe light upon him and his that carries any other Heart about him. My Lord, it is too mean a way for me to expreſs my acknowledgment in Paper for this high Favour which I have received by your Lordſhip's Letter. I hope to make it appear by my Actions that their Lordſhips ſee, I am not an ungrateful Servant. It is a great Encouragement to theſe Parts, their Lordſhips Reſolutions, in giving their Commands to have the reſt of the *Militia* put in preſent Execution; and truly, my Lord, it was out of that regard that I did intimate it to my Lord of *Eſſex*, as holding it a thing much conducing to the publick Good, and the only Remedy to cure theſe Diſtractions which the Kingdom is in, not out of any regard to my ſelf; for I know if I ſuffer in executing their Lordſhips Commands, it muſt be againſt their Wills, and when that day comes I will not give *a Straw* for what I have, were I but a Looker-on. My Lord, as I was this day at *Lincoln*, where I appointed to begin to muſter, there came a Meſſenger from his Majeſty with this Letter, which I held it my Duty to acquaint the Houſe with, and likewiſe my Anſwer, and am for *Lincoln*, where, as in all other places, I ſhall be ready to ſerve your Lordſhip as your moſt humble Servant,

F. Willoughby.

My Lord, e're my Letter was ſealed up, I could not but give your Lordſhip an account in how good a Poſture I found the Trained Bands of *Lincoln*, which was far beyond my expectation, conſidering the Unhappineſs in the Sickneſs, being diſperſed in the Town which hindred the appearance of ſome. But truly, my Lord, that was fully ſupplied by a Company of Volunteers, equal in number and goodneſs of Arms to the Trained Bands.

His Majeſty's Letter to the Lord Willoughby *of* Parham

CHARLES R.

King's Letter to the Lord *Willoughby*, requiring him not to meddle with the Militia, *June* 4, 1642.

"RIght Truſty and Well-beloved, we greet you well. Whereas we under-
"ſtand, That you have begun to aſſemble, train and muſter the Trained
"Bands of our County of *Lincoln*, under pretence of an Ordinance of Parlia-
"ment, whereto We have not given Our Conſent; which is not only contrary
"Law, but to Our Command and Pleaſure, ſignified by Our Proclamation ſent
"to the high Sheriff of that our County: Wherefore that you may not hereafter
"plead ignorance of ſuch Our Prohibition, We do by theſe our Letters charge
"and command you upon your Allegiance to deſiſt and forbear to raiſe, muſter,
"train, exerciſe, or aſſemble together any part of the Trained Bands of Our
"County, either by your ſelf, or by any others employed under you, or by
"Warrant from you. And becauſe you may for what you have already done
"concerning the *Militia* of that our County, plead that you had not ſo parti-
"cular a Command, We ſhall paſs by what you have already done therein,

"ſo

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"ſo as preſently upon your receipt hereof you ſhall deſiſt, and give over "medling any further with any thing belonging to the *Militia* of that Our "County: but if you ſhall not preſently deſiſt and forbear medling therewith, "We are reſolved to call you to a ſtrict account for your Diſobedience therein, "after ſo many particular and legal Commands given you upon your Allegiance "to the contrary, and ſhall eſteem and proceed againſt you as a Diſturber "of the Peace of Our Kingdom.

"Given at our Court at *York*, June 4*th*, 1642.

The Lord Willoughby *of* Parham *his Letter in Anſwer to his Majeſty.*

SIR,

Lord *Willoughby*'s Anſwer.

AS there can be nothing of greater Heavineſs to me than to receive a Command from your Majeſty whereunto my Endeavours cannot give ſo ready an Obedience as my Affections; ſo I muſt confeſs the difficulty at this time not a little how to expreſs that Duty which I owe to your Majeſty's late Commands, and not falſify that Truſt repoſed in me by your High Court of Parliament, through whoſe particular Directions I am now come into this County to ſettle the *Militia* according to the Ordinance of Parliament, which by the Votes of my Lord *Littleton* and others in the Houſe of Peers, better vers'd in the Laws than my ſelf, paſſed as a legal thing, and hath ſince been confirmed (and if I miſtake not) by his Example and your Majeſty's Chief Juſtice Sir *John Banks*, both in accepting their Ordinance and nominating their Deputy-Lieutenanants: How much farther they proceed, I know not.

But, Sir, if the Opinion of thoſe great Lawyers drew me into an underſtanding unſutable to your Majeſty's liking, I hope the want of Years will excuſe my want of Judgment. And ſince the Command of Parliament I am now ſo far engaged in their Service as the ſending out Warrants to ſummon the Country to meet me this day at *Lincoln*, and afterwards in other places. I do moſt humbly beſeech your Majeſty not to impoſe that Command on me which muſt needs render me falſe to thoſe that rely on me, and ſo make me more unhappier than any other Miſery can befal me.

Theſe things, Sir, I once humbly beſeech your Majeſty may be taken into your gracious Conſideration, and that youwould never be pleaſed to harbour any Miſconceit of me or of this Action, ſince nothing hath yet paſſed by my Commands here, or ever ſhall, but what ſhall tend to the Honour and Safety of your Majeſty's Perſon, to the preſervation of the Peace of your Kingdom, and to the Content (I hope) of all your Majeſty's Subjects in theſe parts, amongſt which I remain,

Your Majeſty's moſt humble and moſt dutiful Subject and Servant,

F. Willoughby.

The Meſſage of the Lords to the Houſe of Commons, upon the Lord Willoughby *of* Parham *his Letter and Service in the Execution of the Ordinance concerning the* Militia.

THE Lords have thought fit to let you know how much they value and approve the Endeavours of this Lord in a Service ſo much importing the Safety of this Kingdom, and they doubt not of your readineſs to concur with them, upon all occaſions to manifeſt the ſenſe they have, and ſhall retain of his Deſervings, which appears the greater, by how much the Difficulties (by thoſe Circumſtances you have heard read) have been greater; and as my Lords reſolve to make his Intereſt their own in this Service, for the publick Good and Safety of this Kingdom, ſo they deſire you to joyn with them in ſo good and neceſſary a Work.

Reſolved

An. 1642.

Reſolved by the Houſe of Commons to join with the Lords in this Vote, and to make the like Reſolution for the Deputy-Lieutenants for the County of *Lincoln*, and deſire the Lords Concurrence therein. Ordered by the Lords in Parliament, that they agree with the Houſe of Commons for the Reſolutions concerning the Deputy-Lieutenants of the County of *Lincoln*.

The Lord of Warwick's *Letter to his Brother the Earl of* Holland.

BROTHER;

The Ordinance for the Militia put in Execution in *Eſſex*. *June* 7. 1642.

IN obedience to the Order of both Houſes of Parliament, I this day repaired to *Burntwood*, (where about one fourth part of the Trained-Bands of *Eſſex* were appointed to meet) for putting of the Ordinance for the Militia in execution. I ſaw five Companies drawn out, being of the ordinary Trained-Bands, (and all that were deſigned for this Place) whoſe Numbers I found full, and their Arms compleat; for though about threeſcore Arms had been taken out of each Company, for the late Service about *Scotland*, yet a full ſupply was made by Voluntiers; and one of the ſaid five Companies (being under the Conduct of Sir *William Maſham*'s Son) was double to the uſual Liſt. A ſixth Company was drawn out, which conſiſted of near five hundred able Men who came as Voluntiers, under the Command of Sir *Thomas Barington*'s Younger Son. I cauſed the Declaration of both Houſes made for their Indempnity, to be read at the Head of each Company: And required the Captains, Officers, and Souldiers to be obedient to ſuch Directions as ſhould be conveyed to them from me, or my Deputy-Lieutenants, according to the ſaid Ordinance, for the Service of his Majeſty and the Parliament, for the defence of the Kingdom. To which they did unanimouſly manifeſt a Reſolution and Reſpect, and a chearful readineſs therein to ſpend their Lives and Fortunes. Hereof I thought fit to give your Lordſhip this brief account, praying you to communicate the ſame to their Lordſhips; I having deſired my Deputy-Lieutenants to do the ſame to the Houſe of Commons. I have this day received a Petition from the Captains and Lieutenants of the ſeveral Companies here aſſembled, in the Name of all the Perſons belonging to the ſaid Trained-Bands, and with their full Conſents expreſſed upon the reading of it, by their general Acclamations and Applauſe in their ſeveral Companies.

And ſo deſiring from God a Bleſſing upon all your Counſels, I reſt,

Burntwood, June 7. 1642.

Your Lordſhip's affectionate Brother,

WARWICK.

The Approbation of both Houſes concerning the Militia in Eſſex.

THE Lords and Commons in Parliament aſſembled, being advertiſed by the Lord-Lieutenant, and Deputy-Lieutenants of the County of *Eſſex*, of the ready, full and forward meeting of the Trained-Bands of that County, and of the chearful acceſs of a very conſiderable number of Voluntiers, at their firſt appearing, have thought fit to expreſs unto them the good ſenſe they hold of their Proceedings, ſo much conducing to the general ſafety of this Kingdom; and having likewiſe received from them a Declaration full of Affections and good Inclinations, to maintain our Religion, Laws, Liberties and Priviledges of Parliament, which they obſerve to be invaded by pernicious Counſels, as indeed they have been of late in a more dangerous and high manner than any Age can parallel: And having very prudently obſerved, in a right underſtanding, that the Kingdom, and the King's Authority and Perſon can be no ways maintained, but by the upholding the Power and Priviledges of Parliament, as by the late

late Proteſtation they acknowledg themſelves bound unto, againſt all contrary Counſels, Power and Force of Arms whatſoever. This juſt and faithful Reſolution of theirs to the Publick Good, the Lords and Commons do not only approve, but commend, aſſuring them, That as their Endeavours have been for the Peace and Happineſs of the King and Kingdom, ſo they will perſiſt in diſcharge of the great and publick Truſt which lies upon them, to go through all Difficulties which may oppoſe the publick Peace and Welfare of this Kingdom; and will, upon all Occaſions, be ready to expreſs particularly to thoſe Perſons that reſpect which is due to Perſons from whom they have received ſuch aſſurance of their Affections and Fidelities. 18 *Car.*

A Declaration of the Lords and Commons in Parliament, Directed to the High-Sheriff of the County of Eſſex, *and all other Sheriffs in general, within the Kingdom of* England, *and Dominion of* Wales, *Concerning his Majeſty's Proclamation about the* Militia.

Die Sabbati 18 *Junii*, 1642.

Parliament's Declaration to Sheriffs, not to publiſh the King's Proclamation. *June* 18. 1642.

WHereas *Robert Smith* Eſq; now High-Sheriff of the County of *Eſſex*, hath lately received a Writ, bearing date the 27*th* of *May*, in the eighteenth Year of his now Majeſty's Reign; thereby commanding him to publiſh a Proclamation, whereby all his Majeſty's Subjects belonging to the Trained-Bands, or Militia of this Kingdom, are forbidden to Riſe, March, Muſter or Exerciſe, by virtue of any Order or Ordinance of one or both Houſes of Parliament, without Conſent or Warrant from his Majeſty, upon pain of Puniſhment according to the Laws. And whereas the ſaid High-Sheriff hath now addreſſed himſelf to both Houſes of Parliament, for Advice and Directions therein; conceiving the ſaid Proclamation to be contrariant, and repugnant to the Ordinance and Judgment of both Houſes of Parliament concerning the Militia. It is therefore declared, by the Lords and Commons in Parliament, (they intending nothing by the ſaid Ordinance, but the Protection and Security of his Majeſty's Perſon, the Defence of the Kingdom againſt Foreign Invaſion, and the Preſervation of the Publick Peace, againſt Inteſtine Rebellions and Inſurrections here at Home, the Maintenance of the Priviledges and Authority of Parliament, according to the Proteſtation) that the ſaid Writ is Illegal; For that by the Conſtitution and Policy of this Kingdom, the King by his Proclamation cannot declare the Law, contrary to the Conſtitution of any of the Inferior Courts of Juſtice, much leſs againſt the High Court of Parliament: And likewiſe, for that this Writ forbids that to be done, which they are obliged unto by their Duty to God, their Allegiance to his Majeſty, and the Truſt repoſed in them by the Common-Wealth, (the Law having intruſted them to provide for the Good and Safety thereof); and that the ſaid High-Sheriff hath done nothing in forbearing to publiſh the ſaid Proclamation, but according to his Duty, and in obedience to the Order of both Houſes: And he is hereby required, not to publiſh the ſaid Proclamation, or any other Proclamations or Declarations of the like nature, that concern the Parliament, without firſt acquainting the ſaid Houſes. And it is further declared, That the ſaid High-Sheriff, and other Sheriffs of other Counties, within this Kingdom of *England*, and Dominion of *Wales*, for their Obedience to the Orders and Ordinances of Parliament; or that have, or hereafter ſhall do any thing in the Execution thereof, ſhall be protected by the Power and Authority of both the ſaid Houſes.

John Brown, Cler' Parliamentorum.

Counties

An. 1642.

Counties for the Parliament.

Kent, *Suſſex*, *Surry*, and *Middleſex*, and the Eaſtern-Counties, *Suffolk*, *Norfolk*, and *Cambridgſhire*, generally adhered, or at leaſt ſubmitted unto the Ordinance for the *Militia*; for though many of the Chief Gentry of thoſe Counties were for paying Obedience to his Majeſtie's Commiſſion of Array, yet the Free-holders and Yoemen being generally of the other ſide, as oft as they attempted to ſhew themſelves, they were cruſh'd, and their Endeavours defeated.

Lancaſhire.

The Lord *Strange*, Son to the Earl of *Derby*, was made by the King Lord-Lieutenant of *Lancaſhire* and *Cheſhire*, and vigorouſly endeavoured to put the Commiſſion of Array in Execution, but met with great oppoſition from Sir *Thomas Stanly*, Mr. *Holland*, Mr. *Holcraft*, Mr. *Egerton*, and Mr. *Booth*; as alſo by Mr. *Aſhton* and Mr. *Moor*, both Members of the Houſe of Commons. On the 15*th* of *July* 1642 the ſaid Lord *Strange* made an attempt to gain *Mancheſter*, but was repulſed; yet one Man by Name *Richard Parcival*, was ſlain by my Lord's Forces (which ſome ſay * was the firſt Blood drawn in thoſe unhappy Warrs.) Upon which afterwards the Houſe of Commons cauſed the ſaid Lord *Strange* to be Impeached, as followeth.

Tho. May's Hiſtory, fol. 109.

The Impeachment of James *Lord* Strange, *and Son and Heir apparent of* William *Earl of* Derby, *by the Commons aſſembled in Parliament, in the Name of themſelves and all the Commons of* England, *of High-Treaſon.*

Lord *Strange's* Impeachment, *Sept.* 16. 1642.

THat the ſaid *James*, Lord *Strange*, to the intent and purpoſe to ſubvert the Fundamental Laws and Government of this Kingdom of *England*, and the Rights and Liberties, and very Being of Parliaments: And to ſet Sedition between the King and his People, did, upon the fifteenth day of *July*, in this preſent Year of our Lord God, One thouſand ſix hundred forty two, at *Mancheſter*, in the County of *Lancaſter*, and at ſeveral other Times and Places, Actually, Maliciouſly, Rebelliouſly and Traiterouſly, ſummon and call together great Numbers of his Majeſty's Sub[illegible]; and incite, perſwade, and encourage them to take up Arms, and levy War againſt the King, Parliament, and Kingdom: That the ſaid *James*, Lord *Strange*, in further proſecution of his foreſaid wicked, traiterous, and malicious Purpoſes, did, upon the ſaid fifteenth day of *July*, at *Mancheſter* aforeſaid, and at ſeveral other Times and Places, Actually, Maliciouſly, Rebelliouſly and Traiterouſly, raiſe great Forces of Men and Horſe, and levied War againſt the King, Parliament and Kingdom. And in further proſecution of the aforeſaid wicked, traiterous and malicious Purpoſes, the ſaid *James*, Lord *Strange*, and divers other Perſons whom he had drawn into his Party and Faction, did alſo, upon the ſaid fifteenth day of *July*, at *Mancheſter* aforeſaid, Maliciouſly and Traiterouſly, with Force and Arms, and in an hoſtile and warlike manner, kill, murder and deſtroy *Richard Parcivall* of *Kirkman-Shalme* in the ſaid County of *Lancaſter*, Linen-Web[illegible]; and did [illegible] and at divers other Times and Places, in like hoſtile [illegible]ot, ſtab, hurt and wound divers others of his Majeſty's [illegible] to the Laws and Peace of this Kingdom of *Engl*[illegible]jeſty's Royal Crown and Dignity: And the ſaid *J*[illegible] Sedition between the King and his People, and now [illegible]ellion againſt the King, Parliament and Kingdom: [illegible] Things, the Knights, Citizens and Burgeſſes of [illegible]n Parliament aſſembled,

aſſembled, do, in the Name of themſelves, and of all the Commons of *England*, impeach the ſaid *James*, Lord *Strange*, of High-Treaſon. And the ſaid Commons, by Proteſtation, ſaving to themſelves the liberty of exhibiting at any time hereafter any other Accuſation or Impeachment againſt the ſaid Lord *Strange*, and alſo to replying of the Anſwers, that the ſaid *James* Lord *Strange* ſhall make to the Premiſſes, or any of them, or of any other Impeachment or Accuſation that ſhall be exhibited by them, as the Cauſe, according to the Courſe and Proceedings of Parliament ſhall require, do pray, that the ſaid *James* Lord *Strange*, may be put to anſwer all and every the Premiſſes, that ſuch Proceedings, Examinations, Trials and Judgments, may be upon them, and every one of them had and uſed, as ſhall be agreeable to Law and Juſtice. 18 *Car.*

Veneris 16 *September*, 1642.

An Order to apprehend the Lord *Strange*.

WHereas the Lord Strange *having continued a long time, and ſtill remaining in actual Rebellion againſt his Majeſty and the Parliament, is for the ſame impeached of High-Treaſon by the Houſe of Commons, in the Name of themſelves, and all the Commons of* England: *It is therefore Ordered, by the Lords and Commons in Parliament aſſembled, That publication thereof be made in all Churches and Chappels, by the Curats and Church-wardens thereof; and in all Markets and Towns, by the Conſtables and Officers of the Towns within the Counties of* Lancaſter *and* Cheſter, *to the end that all his Majeſty's loving Subjects may have notice thereof, leſt they being deceived by the ſpecious Pretences made by the ſaid Lord* Strange, *ſhould aſſiſt him with Men, Money, Munition, or any other Proviſion, and ſo make themſelves guilty of the like Treaſon and Rebellion: And all Sheriffs, and other his Majeſty's Subjects, are hereby required to do their beſt endeavour for the apprehenſion of the ſaid Lord, and the bringing him up to the Parliament, there to receive condign Puniſhment according to his Demerits.*

His Majeſty's Inſtructions *to his Commiſſioners of Array, for the ſeveral Counties of* England, *and the Principality of* Wales; *and to be obſerved by all Sheriffs, Mayors, Juſtices of the Peace, Bailiffs, Headboroughs, Conſtables, and all other his Majeſty's loving Subjects whatſoever.*

His Majeſty's Inſtructions ſent with the Commiſſioners of Array. *Aug.* 29, 1642.

'WHereas a deſperate and dangerous Rebellion is raiſed, and an Army 'marching againſt Us, and ſuch other of our good Subjects, whoſe 'Loyalty and Affection is eminent unto Us in ſeveral Counties of the King-'dom, under pretence of ſome Authority from both our Houſes of Parliament, 'and the ſame is done as by our Conſent, and for the Safety of our Perſon, where-'by many of our loving Subjects are miſled and engaged in undutiful and diſ-'loyal Actions againſt Us their Sovereign, and to oppoſe Perſons immediately au-'thorized by Us, and become Diſturbers of the Peace: We do, for the Information 'of all our good Subjects, that they may be no longer corrupted or ſeduced by 'theſe falſe and dam[illegible] declare, That We do diſavow our Conſent 'to any of the [illegible] and do proteſt againſt the ſame, and all 'the Proceedings [illegible] and Treaſonable to our Perſon, Crown 'and Dignity [illegible] the Army now under the Command of the 'Earl of [illegible] part of the Kingdom by his Direction, or by 'the [illegible] Ordinance, is raiſed againſt Us, and to take 'away [illegible] and all who adhere to him, are Traitors 'by the [illegible] Laws of this Kingdom; and therefore our expreſs 'Command [illegible] every of you is,

An. 1642.

1. 'That you forthwith raiſe all poſſible Power for the Apprehenſion of the 'ſaid Earl of *Eſſex* and his Confederates; and that with ſuch Forces of Horſe 'and Foot, you ſhall Fight with, Kill and Slay, all ſuch as ſhall by Force oppoſe 'you in the Execution of our Commands; and ſuch who ſhall preſume to put the 'Ordinance of the Militia in Execution againſt our expreſs Pleaſure and Con-'ſent. And you ſhall purſue the ſaid Rebels and Traitors in the ſaid Counties, 'or in any other Counties or Parts of the Kingdom into which they ſhall retire 'themſelves; all which Forces, ſo to be raiſed, ſhall have the ſame Pay as the 'reſt of our Armies have.

2. 'You ſhall defend and protect all our Subjects from Violence and Oppreſ-'ſion, by the illegal pretended Ordinance concerning the Militia, the pretended 'Ordinance for the Earl of *Eſſex* to be General, or any other Ordinance to 'which We have not, or ſhall not give our Conſent, and ſhall not ſuffer any of 'our loving Subjects to be troubled or moleſted for refuſing to ſubmit to the ſaid 'pretended Ordinances, but ſhall aſſiſt and defend them from any Summons, 'Meſſengers, Serjeant or Warrant, which ſhall diſturb them for the ſame. And 'the ſaid Meſſengers, or Serjeants, you ſhall apprehend and commit to Priſon, as 'ſeditious Diſturbers of the Peace of the Kingdom.

3. 'You ſhall, to your utmoſt power, aſſiſt the Execution of our Commiſ-'ſion of Array, which ought to be obeyed by the known Laws of the Land; 'and if any factious or ſeditious Perſons, ſhall raiſe any Power to oppoſe our 'ſaid legal Commiſſion, or the Execution thereof, you ſhall, in your ſeveral 'Counties, levy Men, and lead them out of your ſaid Counties to the Place 'where ſuch Force is raiſed, and ſuppreſs the ſame: More eſpecially you ſhall be 'aiding and aſſiſting to the Lord Marqueſs *Hertford*, who is Authorized by our 'Commiſſion, General of our Forces in the Weſtern Parts; and to the Earl 'of *Cumberland*, our Lieutenant-General for the County of *York*; and to the 'Lord *Strange* and Colonel *Goring*. And to that Purpoſe you ſhall levy ſuch 'other Forces of Horſe and Foot, as the ſaid Marqueſs ſhall by his Commiſ-'ſion give you Power to do, under ſuch Colonels, Commanders, and other 'Officers, as ſhall be by him appointed or directed within the ſeveral Counties 'mentioned in his Commiſſion, as the Earl of *Cumberland*, and as the Lord '*Strange* ſhall likewiſe direct, in the Counties within their ſeveral Commiſ-'ſions.

4. 'Our expreſs Pleaſure and Command is, That you do diſarm all Popiſh 'Recuſants, and all ſuch other dangerous and ill-affected Perſons, and Brow-'niſts, Anabaptiſts, and other Sectaries, as well Clergy-men as others, as 'have teſtified, or ſhall teſtify their ill Diſpoſition to the Peace and Govern-'ment of the Kingdom. And you ſhall endeavour, by cauſing our ſeveral De-'clarations, Meſſages and Anſwers, to be publickly read in Churches and other 'Places, to clear our Proceedings from all falſe Imputations and Aſperſions, and 'ſhall, from time to time, certify Us of all things neceſſary for the Publick Ser-'vice. And that our Directions to you, and your Advertiſements to Us, may have 'a clear and ready Paſſage, We do hereby command all Poſt-maſters, that they 'do not ſuffer any Letters, or other Diſpatches, to or from Us, to be intercep-'ted or ſtayed, as they will anſwer the contrary at their utmoſt Perils. And if 'any bold Perſons, by what Authority ſoever, ſhall preſume to make ſuch ſtay 'of thoſe Diſpatches, you ſhall apprehend ſuch Perſons, and ſhall give all Aſſi-'ſtance and Protection to thoſe Perſons imploy'd in ſuch Diſpatches.

5. 'If you ſhall find any diſaffected Perſons raiſing any Part[illegible] againſt Us, 'ſpreading Scandals or Imputations on our Proceedings, like to diſturb the 'Peace of the Kingdom; you ſhall cauſe all ſuch Perſons (upon good Proofs 'of their Miſdemeanours) to be apprehended, and committed to Priſon, till 'they ſhall anſwer their Offences, in ſuch manner as is agreeable to Law and 'Juſtice.

'You ſhall take from the ſaid Rebels [illegible] 'all Arms, Ordnance and Ammunition; [illegible] 'of our good Subjects, you ſhall reſtore [illegible]

'And whereas divers ſeditious Perſons, [illegible] 'the Earl of *Eſſex*, preſume to levy Horſe [illegible] 'for the ſame; you ſhall ſeize upon all H[illegible] 'Plate, or other Proviſions whatſoever, [illegible]

'Pretences, and without our expreſs Authority for the fomenting or maintaining any ſuch unnatural and unlawful War againſt Us, the Religion and Law of the Kingdom. And you ſhall aſſure all ſuch of our well-affected Subjects, who ſhall contribute any Aid and Aſſiſtance to Us, in this our great Neceſſity, or obſerve theſe our Inſtructions, that We will protect them with our utmoſt Power, and venture our Life and Crown in their juſt Defence; which Reſolution of Ours you ſhall publiſh and declare upon all Occaſions, for the better Encouragement of all our good Subjects in that behalf. 18 Car.

'Given under Our Privy Signet, at Our Court at *Nottingham* the 19th of *Auguſt*, 1642.

The Siege and Surrender of *Portſmouth* to the Parliament, *Aug.* 9. 1642.

Colonel *Goring*, eldeſt Son to the Lord *Goring*, who having been a means the Year before to diſcover the controverted deſign of bringing up the Army out of the North againſt the Parliament, being thereby grown into ſome Truſt with the Parliament, whereof he was a Member, having been ſent down Governour of *Portſmouth*, and 3000 *l.* allowed him for the Payment of his Souldiers, and Charges of Fortification; did in the beginning of *Auguſt* 1642, declare for the King, the better to countenance the progreſs of the Commiſſion of Array in *Hampſhire* and *Suſſex*, expecting to be relieved by the Marqueſs of *Hartford*, and the Commiſſioners of Array in *Somerſetſhire* and Counties adjacent: Whereupon ſeveral Members of the Houſe of Commons were ſent down to join with the Commiſſioners of the Militia, to raiſe Forces for the reducing of that Gariſon, and to oppoſe Relief by the Commiſſioners of Array. The Colonel was ſo civil, as that he produced unto them a Copy of two Commiſſions which he had received from the King; the one bearing Date in the beginning of *June* 1642, and the other in *July* following, commanding him to employ that Fort according to his Majeſty's ſole Directions, and to raiſe a Regiment of Foot, and 300 Horſe, giving him Power to fight with, kill and ſlay all ſuch as ſhould oppoſe him.

The Committee of Parliament, *viz.* Sir *William Lewis*, Mr. *Whitehead*, Mr. *Wallop*, Sir *Thomas Jervis*, Mr. *Richard Norton*, and divers others, ſtop'd all manner of Intelligence by Land from going in, or coming out of *Portſmouth*, as the Earl of *Warwick* did by Sea; and intercepted Letters from Colonel *Goring*, directed to the Marqueſs of *Hartford*, and Sir *John Stowel*, for preſent help by Land and Sea, or elſe he was loſt: alſo they intercepted Intelligence from Colonel *Goring* to Colonel *Bret*, newly made Governour of the Iſle of *Wight*, for help by Sea, to ſend him 500 Men with all ſpeed. The Earl of *Warwick* alſo intercepted Letters going by Sea from Colonel *Goring*, one of whoſe Letters did expreſs, that the Marqueſs of *Hartford* would by *Thurſday*, the 18th of *Auguſt*, attempt to relieve Colonel *Goring* with Horſe and Foot: hereupon the Commiſſioners for the Militia raiſed the Trained Bands of *Hampſhire*, *Surry* and *Suſſex*, and had Sir *John Merrick*'s Regiment ſent unto them for their Aſſiſtance; and *Brown Buſhel*, then in the Parliament's Service, did in the night-time, in a deſperate manner board the Ship called *Henrietta Maria*, then riding under that Fort at *Portſmouth*, and brought her away with eight Braſs Pieces of Ordnance.

The Governour being extreamly ſtraitned, and ſeeing no hopes of Relief, beat a Drum for a Parly, and ſent out the Lord *Wentworth* and Mr. *Lufener* a Lawyer, as Hoſtages; whereupon Sir *William Lewis* and Sir *William Waller* went into the Town. The Governour

An. 1642. entertained them nobly; and after long Diſcourſe came to Terms of ſurrender, but not to yield it till he had ſent to the King to appoint him a peremptory day for his Relief; and if his Majeſty did; at the time ſet, fail, he would then give an Anſwer: but the Parliament's Commiſſioners replied, That unleſs he would agree to let the Parliament's Forces come in after that appointed time, they could not conclude with him; ſo Hoſtages on both ſides were at liberty, but no Ceſſation of Arms was admitted; and that very night the Colonel ſent out a ſtrong Party of Horſe, thinking to have ſurprized the Sentinels and firſt Guards; but the Commander in chief of *Goring*'s Party was ſlain, three hurt, and two taken Priſoners, and the reſt purſued in their Retreat to the Town.

The Parliament's Commiſſioners at that time received Information, that the Earl of *Warwick* had ſeized a Ship of Corn coming to ſupply Colonel *Goring*, whoſe greateſt want was Corn and Salt.

Afterwards the Colonel beat again for a Parly, underſtanding that *South-Sea-Caſtle* was taken by the Parliament-Forces, beſides a Mutiny that was then in the Town: whereupon Hoſtages being given on each ſide, a Treaty was concluded, and 200 marched into the Town to take Poſſeſſion of part thereof, and upon Wedneſday 200 more marched, and on Thurſday by Ten of the Clock, the whole Regiment with three Troops of Horſe were alſo to march into the Town, Liberty being given for all in the Gariſon to march out with Swords and Piſtols, but no other Arms, and to go into any part of the Kingdom, or beyond Sea, and *Goring* himſelf took ſhipping for *Holland*.

Proceedings between the Commiſſioners of Array and the Militia-Men in *Oxfordſhire*.

Intelligence being given to the Houſe of Commons, that the Earl of *Berkſhire*, and divers Gentlemen of principal Quality in *Oxfordſhire*, intended ſhortly to put in Execution the King's Commiſſion of Array at *Wattleton*, They commanded Mr. *Whitlock*, a Member of the Houſe, to uſe his utmoſt Endeavours to prevent the Execution of that Commiſſion in *Oxfordſhire*, and to apprehend ſuch of the Commiſſioners as ſhould meet for that purpoſe: and the better to enable him hereunto, they ordered ſome of the Regiment of Horſe of Colonel *Goodwin*, and of the Regiment of Foot of Colonel *Hambden* to attend his Command.

The Commiſſioners of *Array* having appointed their Meeting at *Wattleton* at a day, and the County ſummoned to come in unto them, Mr. *Whitlock* ſent for the Forces appointed to meet him, and in the Afternoon came to him a Troop of Horſe and a Company of Foot, and Mr. *Hambden* himſelf with them; and when they were met, they had Information that the Commiſſioners, having notice of the Parliament's Forces being in the Field, thought not fit to continue at *Wattleton*, but did break off their buſineſs, and [illegible] or diſmiſſing the Country, the Commiſſioners [illegible] to Sir *Robert Dormer*'s Houſe, and [illegible] when the Parliament's Company be[illegible] ſome Muſquets and Piſtols at them, [illegible] for the Parliament-Party, and that they [illegible] they preſently yielded upon Quarter.

Earl of *Berkſhire* taken.

Moſt of the Commiſſioners of Array were [illegible] *Berkſhire*, and two or three more were taken [illegible]

The Houſe of Lords committed the Earl [illegible] where he lay for a long time after.

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Not long after Sir *John Biron* with ſome Troops for the King came to *Oxford*, to remove whom, the Lord *Say*, Lieutenant of that County, ſent to Mr. *Whitlock* and other Deputy-Lieutenants to meet him with what Forces they could make; *Whitlock* had a gallant Company of Horſe of his Neighbours, the Lord *Say* a Regiment of Dragoons, and with him the Lord *St. John*, and ſeveral Companies of his Regiment of Foot; ſo that their Forces, when conjoin'd, made a Body of 3000 and upwards, with whom they entred *Oxford* without Reſiſtance, (for Sir *John Biron*, hearing of their Advance, had quitted it) but were more welcome to the Townſmen than to the Scholars; yet not only the Mayor and Aldermen, but the Vice-Chancellor, Heads of the Houſes, and Proctors, paid my Lord *Say* the Complement of a Viſit, proteſting their Reſpects to the Parliament, *and their Deſires of Peace, and engaged themſelves not to act any thing againſt the Parliament.*

Here there was a Council held to debate the Importance of retaining this City, as well for the ſtrength of its Scituation, the plenty of the Country round about it, its nearneſs to *London*, and the averſion of the Univerſity to the Parliament's Cauſe; as for that the King by his coming to *Shrewsbury*, and looking this way might probably make *Oxford* his head-Quarters, by reaſon of all thoſe Advantages, and fortify it: To prevent which, it was propounded to continue a good Gariſon in it, and *Whitlock* to be Governour; to which both the Townſmen and ſeveral parts of the Country ſeemed very willing, but the Lord *Say* declined it, pretending Favour to the Univerſity and Country, and the improbability of the King's ſettling here, and therefore only took an Engagement and Promiſe from the reſpective Heads of the Houſes, *That their Plate ſhould be forth-coming, and ſhould not be made uſe of by the King againſt the Parliament.* And ſo left the Place as he found it. Sir *John Biron* being thus diſlodged from *Oxford*, marched with 500 Horſe to *Worceſter*, and took in that Town for the King.

The firſt beginning to put the Militia in Execution in *Dorſetſhire.*

In the beginning of the Month of *Auguſt* 1642, the Marqueſs of *Hartford*, the Lord *Seymour*, Lord *Pawlet*, Sir *John Stowel*, Captain *John Digby*, Sir *Ralph Hopton*, Sir *Francis Doddington*, Mr. *Edward Kirton*, and others, Commiſſioners of *Array*, had their Rendezvouz at *Wells* in *Somerſetſhire*, with ſeveral Troops of Horſe and Foot; to diſturb whoſe Meeting, Mr. *Popham*, Sir *Edward Hungerford*, Sir *John Horner*, and others, Commiſſioners for the Militia, aſſembled together many thouſands of Horſe and Foot of the Trained-Bands, and others, and had four Pieces of Ordnance with them, which occaſioned the Commiſſioners of *Array* that night to depart from the City of *Wells*: but afterwards the Commiſſioners of *Array* aſſembling at *Sherborn* in *Dorſetſhire* in greater numbers; the Parliament's Souldiers of the *Militia* not enduring to lie long in the Field, it being *Harveſt-time*, left the Commiſſioners, and went home to their own Houſes to mind their Harveſt, the Horſe on each ſide had a Rencounter near *Sherborn* Caſtle, where ſome were *ſlain*; but afterwards more Forces coming from the Parliament to aſſiſt the Commiſſioners for the *Militia*, the Commiſſioners of *Array* retreated toward *Minhead* in *Somerſetſhire*, and went by Sea from thence into *Wales* and *Gloceſterſhire*, Mr. *Lutterel* refuſing to permit the Marqueſs to make the Caſtle at *Minhead* a Gariſon. Likewiſe the Commiſſioners of *Array* put their Commiſſions in Execution at this time in ſeveral other places. Sir *Nicholas*

Slaney,

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Slaney, and Sir *Richard Greenvile* were active in *Cornwal*; and the Earl of *Northampton* in *Northamptonſhire*, who ſeized upon ſix ſmall Pieces of Iron-Ordnance left at *Banbury*. The Earl of *Cumberland* was likewiſe very active in the County of *York*, but reſiſted by the Lord *Fairfax* and others of the Parliamentary Gentlemen.

In *Warwickſhire*, between the Earl of *Northampton* and the Lord *Brook*.

Auguſt 24. Near *Dunſmore-Heath* in *Warwickſhire*, the Lord *Brook* with ſome Forces, met the Earl of *Northampton*'s Forces of Arraymen; where at the firſt firing of the Lord *Brook*'s Cannon, ſome Souldiers and Horſes were ſlain, and the like Misfortune befel ſome of the Lord *Brook*'s Men; but the Welch-men, who were with the Earl of *Northampton*, quickly gave ground; whereupon Capt. *Leg* riding haſtily to make them ſtand, miſtook the Ground, and rode up to a Troop of the Parliament's Forces, where he was taken Priſoner by Major *Ballard*.

Gurney the Lord Mayor of *London* committed.

Alderman *Gurney*, Lord Mayor of *London*, receiving a Commiſſion of Array from the King, and by Proclamation endeavouring to put the ſame in Execution, was prevented, and committed to the *Tower*.

Lord *Chandois*.

The Lord *Chandois* endeavoured to put the ſaid Commiſſion in Execution in *Gloceſterſhire*, but was oppoſed and affronted at *Cirenceſter* in that County. Sir *John Packington* and Mr. *Sands*, endeavoured the like in *Worceſterſhire*. Sir *John Sackvile* and Sir *Nicholas Criſp*, endeavoured the like in *Kent*, but were prevented.

Neutralities.

In ſome Counties, as in *Yorkſhire*, *Cheſhire* and *Lancaſhire*, there was an Endeavour to make an Aſſociation of *Neutrality*; which being drawn to ſome Heads in the County of *York*, between *Ferdinando* Lord *Fairfax*, Mr. *Hen. Bellaſis*, Sir *Will. Savile* and others; the Lord *Fairfax* ſent the Heads thereof to the Parliament, declaring he had not agreed thereunto, unleſs it were with their Liking and Approbation: Againſt which Aſſociation, the Parliament ſet forth the following Declaration.

The Declaration and Votes of the Lords and Commons aſſembled in Parliament, concerning the late Treaty of Peace in Yorkſhire.

Octob. 1642. *Neutrality* endeavoured to be made in *Yorkſhire*, but forbidden by the Parliament.

UPon peruſal of certain Articles, dated the 29th of *September* 1642, betwixt the Lord *Fairfax*, and divers others well-affected to the Peace of the Kingdom, and Mr. *Bellaſis* and others, who have declared themſelves in ſundry Actions, oppoſers of the Proceedings of the Parliament, and furtherers of the War raiſed againſt them; and of many grievous Pressures lately exercised upon the good Subjects, Inhabitants of the County of [illegible] And being confident, that if the Lord *Fairfax*, and the reſt of the Gen[illegible] part, had known by what Acts and Deſigns this Agreement wa[illegible] ſide, and how dangerous and miſchievous it muſt needs b[illegible] to the Conſequence, their good Intentions to the Pea[illegible] Kingdom are ſuch, that they never would h[illegible] thereunto, as this *ſeeming Neutrality* w[illegible] ways ſerviceable to thoſe ill Counſ[illegible] his Subjects, and no way uſeful to th[illegible] fore the Lords and Commons do de[illegible]

1. That none of the Parties to [illegible] Act of theirs, to bind that County to [illegible]

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that Agreement, it being a peculiar and proper Power and Privileg of Parliament, where the whole Body of the Kingdom is preſented, to bind all or any part thereof.

2. That it is very prejudicial and dangerous to the whole Kingdom, that one County ſhould withdraw themſelves from the Aſſiſtance of the reſt, to which they are bound by Law, and by ſeveral Orders and Declarations of Parliament.

3. That it is very derogatory to the Power and Authority of Parliaments, that any private Men ſhould take upon them to ſuſpend the Execution of the Ordinance of the Militia, declared by both Houſes to be according to Law, and very neceſſary at this time for the preſervation of the Peace and Safety of the Kingdom.

4. That many things in that Agreement are very unequal, contrary to the Nature of Neutrality, being much more advantagious to one Side than to the other, prejudicial to the publick Defence of the Kingdom undertaken by the Parliament, and would be a great Impediment to the Agreement betwixt his Majeſty and his Subjects; which both Houſes ſo earneſtly deſire and endeavour.

For theſe and other Reaſons, We hold our ſelves bound in Conſcience, in performance of the ſeveral Proteſtations that we have made, to hinder all further Proceedings upon that Agreement; and therefore it is Ordered by both Houſes of Parliament, That no ſuch Neutrality be obſerved in that County, which will advantage the Forces raiſed againſt the Parliament, and no way benefit *Yorkſhire*; but rather be moſt dangerous to them, by keeping that County without any defenſive Force; whereby it will be open to the King to bring back his Army at his pleaſure, and to make that his Winter-quarter, to which the Plenty of that County, and nearneſs of *Newcaſtle* for Supplies by Sea, are like to invite him, whereby it will become a Seat of the War. And if this ſhould not fall out, yet if the reſt of the Kingdom be ſuppreſſed, what hope can *Yorkſhire* have not to be involved in the publick Miſery? And therefore in Wiſdom for themſelves, and Juſtice to the State, they ought not to withdraw themſelves from the Common Cauſe, but join with the Parliament in defence of the Religion and Liberty of the whole Kingdom, and with them to labour, by all good Means, to procure a general Peace and Protection from the King for all his Subjects; which both the Houſes of Parliament have, by many humble Petitions, deſired of his Majeſty, but cannot yet obtain. And if they ſhould ſuffer any particular Counties to divide themſelves from the reſt of the Kingdom, it will be a Means of bringing all to Ruin and Deſtruction. Wherefore it is further declared, That neither the Lord *Fairfax*, nor the Gentlemen of *Yorkſhire* who are Parties to thoſe Articles, nor any other Inhabitants of that County, are bound by any ſuch Agreement, but they are required to purſue their former Reſolutions, of maintaining an Aſſiſting the Parliament in defence of the Common Cauſe, according to their general Proteſtation, wherein they are bound with the reſt of the Kingdom, and againſt the particular Proteſtation by themſelves lately made; and according to ſuch Orders and Commiſſions as they ſhall receive from both Houſes of Parliament, from the Committee of Lords and Commons, appointed for the Safety of the Kingdom, or from the Earl of *Eſſex* Lord General.

A Declaration of both Houſes, touching Miniſters troubled in Cheſhire, *for not obeying the Commiſſion of Array*, September 8. 1642.

WHereas Information hath been given, that divers Perſons, well-affected to the Peace and Safety of the King and Kingdom, have been ſeized, apprehended, and impriſoned; and divers worthy Miniſters attached and bound over to the next *Aſſizes to be holden at* Cheſter, for yielding Obedience to the Ordinance, and Command of Parliament, and for refuſing to obey the illegal Commands of the Commiſſioners of Array. The Lords and Commons do therefore hereby declare all thoſe to be Enemies to the Common-Wealth, and Diſturbers

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Diſturbers of the Peace of the Kingdom, who ſeize, apprehend, or detain, impriſon, or ſend out their Warrants for the apprehending or otherwiſe moleſting any Perſon or Perſons for obeying the Ordinances and Commands of the Parliament, or for refuſing to obey the *Commiſſion of Array*. And do require and command all Lord-Lieutenants, Deputy-Lieutenants, Juſtices of Peace, Sheriffs, Mayors, Conſtables, and all others his Majeſty's Officers and loving Subjects, that they do not only forbear to execute any Warrants ſent out by the Commiſſioners of Array for the apprehending or binding over to the Aſſizes; or otherwiſe moleſting any of his Majeſty's good Subjects, for not yielding Obedience to the illegal Warrants and Commands of the Commiſſioners of Array, but that they alſo aſſiſt to the Protection and Defence of all thoſe who are in danger to be apprehended, oppreſſed or moleſted, by the Violence and Tyranny of the Commiſſioners of Array.

Whereof they require the Juſtices of Aſſize of the County Palatine of *Cheſter*, and the Keeper of the Caſtle of *Cheſter*, and of other Priſons in the ſaid County, and all others his Majeſty's Officers and Subjects, whom it may concern, to take ſpecial Notice, that ſo thoſe that are already impriſoned, or bound over by the Commiſſioners of Array in that County, may be diſcharged, and no further proſecuted and moleſted by any uſurped Power and Authority againſt the Laws of the Land.

[*The Author returns to the Diary of* May 1642.]

Having thus from the Month of *April* 1642, diſpatch'd the great Affair of *Hull*, and followed the Tract of Occurrences at *York*, as far as was neceſſary in the two laſt Chapters, we now return to reaſſume the Courſe of Diary, and ſet down other intervening Paſſages in the Month of *May*, and other ſubſequent Months.

By the KING.

A Proclamation concerning the true paiment of Tonnage *and* Poundage.

WHereas in and by the laſt Act of this preſent Parliament, concerning Tonnage and Poundage, (intituled, *A Subſidy granted to the King of* Tonnage, Poundage, *and other Sums of Money, payable upon Merchandize Exported and Imported)* it is enacted, That the Penalty and Forfeiture contained in an Act made in the Firſt Year of the Reign of his Majeſty's late Royal Father King *James*, (intituled, *A Subſidy granted to the King of* Tonnage, Poundage, Wools, *&c.)* ſhall not enſue to any Perſon or Perſons, for the Shipping [illegible] of any Goods or Merchandize, whereupon Tonnage, Poundage, any Sums of Money, are payable by the ſaid laſt Act, until notice [illegible] of the ſaid laſt Act, Penalty and Forfeiture, by Proclamation [illegible] Goods are, or ought to be entred; unleſs after ſuch Notice [illegible] pound for ſuch Goods and Merchandize.

'His moſt Excellent Majeſty, leſt
'(under pretence of Ignorance) ſhould
'*dage*, and other Sums of Money, pay
'exported or imported, contrary to the
'more ſpeedy publiſhing thereof, hath
'ment) hereby to declare his Royal Will
'Subjects and others, whom it ſhall or may
'laſt Act: And that they, and all of them, do
'Poundage, and other Sums of Mony
'or Goods, either imported or exported,

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'ſaid laſt Act, and in the ſaid Act made in the firſt Year of his Majeſty's ſaid 'late Father, or either of them provided and expreſſed; and to be farther 'puniſhed, according to the Law, for their Contempt of his Majeſty's Royal 'Commandment herein.

'And therefore his Majeſty doth hereby ſtraitly charge and command, as well 'all and every his Cuſtomers, Controllers, Collectors, Searchers, Waiters, and 'other the Officers and Miniſters in all and every his Majeſty's Ports and Ha-'vens, and the Members thereof within this Kingdom of *England* and Domi-'nion of *Wales*; and all Juſtices of Peace, Mayors, Sheriffs, Bayliffs, Conſta-'bles, Headboroughs, and other his Majeſty's Officers and Miniſters, to whom it 'ſhall or may appertain, that they, and every of them in their ſeveral Offices 'and Places reſpectively, do take care, that all and every the Premiſes be fully 'executed and performed, according to his Majeſty's Royal Will and Pleaſure 'herein declared, as they will anſwer the contrary at their Perils.

'Given at our Court at *York* the ſecond day of *May*, in the 18*th* Year 'of our Reign.

GOD ſave the KING.

Die Martis 3 *Maii*, 1642.

Ordered by the Lords and Commons in Parliament aſſembled,

The Houſes order, that the Trained Bands of *London* be drawn out of Town, *May* 3.

THat the Perſons intruſted with the ordering of the *Militia* of the City of *London*, ſhall have Power *to draw the Trained Bands* of the City into ſuch uſual and *convenient places, within three Miles* of the ſaid City, as to them from time to time ſhall ſeem fit, for the training and exerciſing of the Souldiers: And that the ſaid Souldiers upon Summons ſhall from time to time appear, and not depart from their Colours without the Conſent of their Officers, as they will anſwer their Contempt to the Parliament.

Die Jovis 12 *Maii*, 1642.

Reſolved upon the Queſtion, &c.

Votes of the Commons againſt impriſoning any of their Members.

THat this Houſe doth declare, That if any Perſon whatſoever ſhall arreſt or impriſon the Perſons of the Lords and Gentlemen now at *York*, or any of them, or any other of the Members of either Houſe of Parliament that ſhall be imployed in the Service of both Houſes of Parliament, or ſhall offer Violence to them, or any of them, for doing any thing in purſuance of the Commands or Inſtructions of both Houſes, ſuch Perſons ſhall be held Diſturbers of the Proceedings of Parliament, and publick Enemies of the State; and that all Perſons are bound by their Proteſtation, to endeavour to bring them to condign Puniſhment.

Reſolved, &c. That this Houſe doth declare, that thoſe of the City of *London*, and all other Perſons that have obeyed the Ordinance for the *Militia*, and done any thing in Execution thereof, have done according to the Law of the Land, and in purſuance of what they were commanded by both Houſes of Parliament, and for the Defence and Safety of the King and Kingdom; and ſhall have the Aſſiſtance of both Houſes of Parliament againſt any that ſhall preſume to queſtion them for yielding their Obedience unto the ſaid Commands, in this neceſſary and important Service: and that whoſoever ſhall obey the ſaid Ordinance for the time to come, ſhall receive the ſame Approbation and Aſſiſtance from both Houſes of Parliament.

Reſolved, &c. That this Houſe doth declare, that they are reſolved to maintain thoſe Lords and Gentlemen in thoſe things they have done, and ſhall farther do in the Obedience of their Commands, for the preſerving the Peace of the Kingdom.

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The King having ſent for Serjeant Major General *Skippon* to attend him at *York*, the two Houſes paſſed the two Orders following.

Die Martis 17 Maii, 1642.

The King's ſending for Perſons is againſt the Liberty of the Subject, *May* 17.

THE Lords and Commons in Parliament do declare, that it is *againſt the Laws* and Liberties of the Kingdom, *that any of the Subjects thereof ſhould be Commanded* by the King to attend him at his Pleaſure, but ſuch as are bound thereto by ſpecial Service; and that whoſoever upon pretence of his Majeſty's Command ſhall take Arms, and gather together with others in a warlike manner, to the Terror of the King's People, ſhall be eſteemed Diſturbers of the Publick Peace, and to do that which may introduce a Precedent of very dangerous Conſequence for the future, and produce moſt miſchievous Effects for the preſent, conſidering the great Diſtempers of the Kingdom, and what pernicious Counſellors and Incendiaries are now about the King; and how deſperate and ill-affected divers Perſons attending upon his Majeſty have ſhewed themſelves to the Parliament, and to his other good Subjects, threatning and reproaching them publickly, even in his Majeſty's Preſence; and for the preventing and avoiding ſuch great Miſchiefs as may thereupon enſue.

It is ordered and ordained by both Houſes of Parliament, that if the Trained Bands, or any other of his Majeſty's Subjects, ſhall upon pretence of any ſuch Command, be drawn together, and put into a Poſture of War, the Sheriff of that County, where there ſhall be ſuch raiſing or drawing together of armed Men, do forthwith raiſe the Power of the County to ſuppreſs the ſame, and to keep his Majeſty's Peace according to Law; and that the Lord-Lieutenants, Deputy-Lieutenants, and Juſtices of the Peace, and all other his Majeſty's Subjects be aiding and aſſiſting to the ſeveral and reſpective Sheriffs in performance hereof, as they will anſwer the contrary at their Peril.

Hen. Elſing, Cler. Parl. D. Com.

Die Martis 17 *Maii*, 1642.

Reſolved upon the Queſtion,

King's Command to M.G. *Skippon* to attend his Majeſty at *York*, voted to be againſt Law, *May* 17.

THat this Command of his Majeſty to call Captain *Philip Skippon*, Serjeant Major General of the Forces of *London*, to attend his Majeſty's Perſon at *York*, is againſt the Law of the Land, and the Liberty of the Subject.

Reſolved, &c. That this Command of his Majeſty to call Captain *Philip Skippon*, Serjeant Major General of the [illegible] Perſon, being employed by both Houſ[illegible] Conſent, is againſt the Privileg[illegible]

Reſolved, &c. That Captain *Philip* [illegible] Forces of *London*, ſhall continue to act[illegible] ding to their former Commands.

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The Declaration or Remonſtrance of the Lords and Commons in Parliament aſſembled, May 19, 1642.

THE infinite Mercy and Providence of the Almighty God hath been abundantly manifeſted ſince the beginning of this Parliament, in great variety of Protections and Bleſſings whereby he hath not only delivered us from many wicked Plots and Deſigns, which, if they had taken effect, would have brought Ruin and Deſtruction upon this Kingdom; but out of thoſe Attempts hath produced divers evident and remarkable Advantages to the furtherance of thoſe Services, which we have been deſirous to perform to our Soveraign Lord the King, and to this Church and State, in providing for the publick Peace and Proſperity of his Majeſty, and all his Realms, which in the preſence of the ſame All-ſeeing Deity, we proteſt to have been, and ſtill to be the only End of all our Counſels and Endeavours, wherein we have reſolved to continue freed, and inlarged from all private Aims, perſonal Reſpects or Paſſions whatſoever.

In which Reſolution we are nothing diſcouraged, altho the Heads of the Malignant Party diſappointed of that Prey, the Religion and Liberty of this Kingdom, which they were ready to ſeize upon, and devour before the beginning of this Parliament, have ſtill perſiſted by new Practices, both of Force and Subtilty, to recover the ſame again; for which purpoſe they have made ſeveral Attempts for the bringing up of the Army; they afterwards projected the falſe Accuſation of the Lord *Kimbolton*, and the five Members of the Houſe of Commons, which being in it ſelf of an odious nature, they yet ſo far prevailed with his Majeſty as to procure him to take it upon himſelf; but when the unchangeable Duty and Faithfulneſs of the Parliament could not be wrought upon by ſuch a Fact as that, to withdraw any part of their Reverence and Obedience from his Majeſty, they have with much Art and Induſtry adviſed his Majeſty to ſuffer divers unjuſt Scandals, and Imputations upon the Parliament, to be publiſhed in his Name, whereby they might make it odious to the People, and by their help to deſtroy that which hitherto hath been the only means of their own Preſervation.

For this purpoſe they have drawn his Majeſty into the Northern Parts far from the Parliament, that ſo falſe Rumours might have time to get Credit, and the juſt Defences of the Parliament find a more tedious, difficult and diſadvantagious Acceſs, after thoſe falſe Imputations and Slanders had been firſt rooted in the Apprehenſion of his Majeſty, and his Subjects; Which the more ſpeedily to effect, they they have cauſed a Preſs to be tranſported to *York*, from whence ſeveral Papers and Writings of that kind are conveyed to all Parts of the Kingdom, without the Authority of the Great Seal, in an unuſual and illegal manner, and without the Advice of his Majeſty's Privy-Council; from the greater and better part whereof having withdrawn himſelf, as well as from his great Council of Parliament, he is thereby expoſed to the wicked and unfaithful Counſels of ſuch as have made the Wiſdom and Juſtice of the Parliament dangerous to themſelves, and this Danger they labour to prevent by hiding their own Guilt under the name and ſhadow of the King; infuſing into him their own Fears, and as much as in them lies, aſperſing his Royal Perſon and Honour with their own Infamy, from both which it hath always been as much the Care, as it is the Duty of the Parliament to preſerve his Majeſty, and to fix the Guilt of all evil Actions and Counſels, upon thoſe who have been the Authors of them.

Amongſt divers Writings of this kind, We the Lords and Commons in Parliament, have taken into our Conſideration two printed Papers; *the firſt* containing a Declaration which they received from his Majeſty in anſwer of that which was preſented to his Majeſty from both Houſes of Parliament at *Newmarket*, the *9th* of *March*, 1641. The other his Majeſty's Anſwer to the Petition of both Houſes, preſented to his Majeſty at *York* the *26th* of *March*, 1642. Both which are filled with harſh Cenſures, and cauſeleſs Charges upon the Parliament; concerning which we hold it neceſſary to give Satisfaction to the Kingdom, ſeeing

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we find it very difficult to ſatisfy his Majeſty, whom, to our great grief, we have found to be ſo engaged to, and poſſeſſed by thoſe Miſapprehenſions which evil Counſellors have wrought in him, that our moſt humble and faithful Remonſtrances, have rather irritated and imbittered, than any thing allayed or mitigated the ſharp Expreſſions which his Majeſty has been pleaſed to make in Anſwer to them; for the manifeſtation whereof, and of our own Innocency, we deſire that all his Majeſty's loving Subjects may take notice of theſe Particulars.

We know no Occaſion given by us, which might move his Majeſty to tell us, That in our Declaration preſented at *Newmarket*, there were ſome Expreſſions different from the uſual Language to Princes.

Neither did we tell his Majeſty, either in Words or in Effect, That if he did not join with us in an Act which his Majeſty conceived might prove prejudicial and dangerous to himſelf and the whole Kingdom, we would make a Law without him, and impoſe it upon the People. That which we deſired was, That in regard of the imminent Danger of the Kingdom, the Militia, for the Security of his Majeſty and his People, might be put under the Command of ſuch noble and faithful Perſons, as they had all cauſe to confide in: and ſuch was the Neceſſity of this Preſervation, that we declared, That if his Majeſty ſhould refuſe to join with us therein, the two Houſes of Parliament being the ſupream Court and higheſt Council of the Kingdom, were enabled, by their own Authority, to provide for the repulſing of ſuch imminent and evident Danger, not by any new Law of their own making, as hath been untruly ſuggeſted to his Majeſty, but by the moſt ancient Law of this Kingdom, even that which is fundamental and eſſential to the Conſtitution and Subſiſtance of it.

Although we never deſired to encourage his Majeſty to ſuch Replies as might produce any Conteſtation betwixt him and his Parliament, of which we never found better Effect, than loſs of Time, and hinderance of the Publick Affairs; yet we have been far from telling him of how little value his Words would be with us, much leſs when they are accompanied with Actions of Love and Juſtice. His Majeſty hath more reaſon to find fault with thoſe wicked Counſellors, who have ſo often bereaved him of the Honour, and his People of the Fruit of many gracious Speeches which he made to them, ſuch as thoſe in the end of the laſt Parliament; That in the Word of a King, and as he was a Gentleman, he would redreſs the Grievances of his People, as well out of Parliament as in it: Were the ſearching the Studies and Chambers, yea, the Pockets of ſome, both of the Nobility and Commons the very next Day; the Commitment of Mr. *Bellaſis*, Sir *John Hotham* and Mr. *Crew*; the continued Oppreſſions by Ship-money, Coat and Conduct-money; with the manifold Impriſonments, and other Vexations thereupon, and other enſuing Violations of the Laws and Liberties of the Kingdom, (all which were the Effects of evil Counſel, and abundantly declared in our general Remonſtrance of the State of the Kingdom) Actions of Love and Juſtice, ſuitable to ſuch words as thoſe?

As gracious was his Majeſty's Speech in the beginning of this Parliament; That he was reſolved to put himſelf freely and clearly upon the Love and Affection of his Engliſh Subjects. Whether his cauſleſs Complaints and Jealouſy, the unjuſt Imputations ſo often caſt upon his Parliament, a denial of their neceſſary Defence by the Ordinance of the Militia, [illegible] himſelf from his great Council, like to produce [illegible] Kingdom, have not been more [illegible] own words, will eaſily appear to any indif[illegible]

Neither have his latter Spee[illegible] evil and wicked Counſellors; [illegible] than thoſe in his Anſwer to the [illegible] and thirtieth of *December* 1641. 'We [illegible] 'of a King, that the ſecurity of [illegible] 'ever ſhall be as much our Care, [illegible] could any Actions be fuller of I[illegible] General, in falſly accuſing the ſix Members [illegible] ceedings thereupon, within three or four Days [illegible] view whereof, let the Declarati[illegible]

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by thoſe Inſtances (we could add many more) let the World judg who deſerves to be taxed with diſvaluing his Majeſty's Words, they who have, as much as in them lies, ſtained and ſullied them with ſuch foul Counſels; or the Parliament, who have ever manifeſted with joy and delight their humble Thankfulneſs for thoſe gracious Words and Actions of Love and Juſtice which have been conformable thereunto.

The King is pleaſed to diſavow the having any ſuch evil Counſel or Counſellors as are mentioned in our Declaration to his Knowledg; and we hold it our Duty, humbly to avow there are ſuch, or elſe we muſt ſay, that all the ill Things done of late in his Majeſty's Name, have been done by himſelf, wherein we ſhould neither follow the Direction of the Law, nor the Affection of our own Hearts, which is as much as may be, to clear his Majeſty from all imputation of Miſgovernment, and to lay the Fault upon his Miniſters, the falſe accuſing of ſix Members of Parliament; the juſtifying of Maſter-Attourney in that falſe Accuſation; the violent coming to the Houſe of Commons, the denial of the Militia; the ſharp Meſſages to both Houſes, contrary to the Cuſtoms of former Kings; the long and remote Abſence of his Majeſty from Parliament; the heavy and wrongful Taxes upon both Houſes; the cheriſhing and countenancing a diſcontented Party in the Kingdom againſt them: theſe certainly are the Fruits of very ill Counſel, apt to put the Kingdom into a Combuſtion, to hinder the Supplies of *Ireland*, and to countenance the Proceedings and Pretentions of the Rebels there, and the Authors of theſe evil Counſels, we conceive muſt needs be known to his Majeſty. And we hope our labouring with his Majeſty, to have theſe diſcovered and brought to a juſt Cenſure, will not ſo much wound his Honour in the Opinion of his good Subjects, as his labouring to preſerve and conceal them.

And whereas his Majeſty ſaith, He could wiſh that his own immediate Actions, which he avows on his own Honour, might not be ſo roughly cenſured under that common ſtile of evil Counſellors: We could alſo heartily wiſh that we had not cauſe to make that Stile ſo common, but how often and undutifully ſoever theſe wicked Counſellors fix their Diſhonour upon the King, by making his Majeſty the Author of thoſe evil Actions, which are the Effects of their own evil Counſels: We his Majeſty's loyal and dutiful Subjects, can uſe no other Stile, according to that Maxim in the Law, *The King can do no Wrong*; but if any Ill be committed in Matter of State, the Council; if in Matter of Juſtice, the Judges muſt anſwer for it.

We lay no charge upon his Majeſty, which ſhould put him upon that Apology, concerning his faithful and zealous Affection of the Proteſtant Profeſſion: Neither doth his Majeſty endeavour to clear thoſe in greateſt Authority about him, by whom (we ſay) that Deſign hath been potently carried on for divers Years; and we rather wiſh that the Mercies of Heaven than the Judgments may be manifeſted upon them; but that there have been ſuch, there are ſo plentiful and frequent Evidences, that we believe there is none, either Proteſtant or Papiſt, who hath had any reaſonable view of the Paſſages of latter Times, but either in Fear or Hope, did expect a ſuddain iſſue of this Deſign.

We have no way tranſgreſſed againſt the Act of Oblivion, by remembring the intended War againſt *Scotland*, as a Branch of that Deſign to alter Religion, by thoſe wicked Counſels, from which God did then deliver us, which we ought never to forget.

That the Rebellion in *Ireland* was framed and cheriſhed by the Popiſh and Malignant Party in *England*, is not only affirmed by the Rebels, but may be cleared by many other Proofs. The ſame rebellious Principles of pretended Religion, the ſame politick Ends are apparent in both, and their malicious Deſigns and Practices are mask'd and diſguiſed with the ſame falſe Colour of their earneſt Zeal to vindicate his Majeſty's Prerogative from the ſuppoſed Oppreſſion of the Parliament: How much theſe treacherous Pretences have been countenanced by ſome evil Counſel about his Majeſty, may appear in this, That the Proclamation whereby they were declared Traitors, was ſo long with-held as to the ſecond of *January*, though the Rebellion broke forth in *October* before, and then no more but Forty Copies appointed to be printed; with a ſpecial Command from his Majeſty not to exceed that Number; and that none of them ſhould be publiſhed, before his Majeſty's Pleaſure were further ſignified, as by the Warrant

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Warrant appears, a true Copy whereof is hereunto added, ſo that a few only could take notice of it; which was made more obſervable, by the late contrary Proceedings againſt the Scots, who were in a very quick and ſharp manner proclaimed; and thoſe Proclamations forthwith diſperſed, with as much diligence as might be, thorow all the Kingdom, and ordered to be read in all Churches, accompanied with Publick Prayers and Execrations. Another Evidence of Favour, and countenance to the Rebels in ſome Power about his Majeſty, is this, That they have put forth, in his Majeſty's Name, a cauſleſs Complaint againſt the Parliament; which ſpeaketh the ſame Language of the Parliament which the Rebels do, whereby to raiſe a Belief in Mens Minds, that his Majeſty's Affections are alienated, as well as his Perſon is removed from that his great Council: All which doth exceedingly retard the Supplies of *Ireland*, and more advance the Proceedings of the Rebels, than any Jealouſy or Miſapprehenſion begotten in his Subjects, by the Declaration of the Rebels, Injunction of *Roſſetti*, or Information of *Treſtram Whitcombe*; ſo that conſidering the preſent State and Temper of both Kingdoms, his Royal Preſence is far more neceſſary here than it can be in *Ireland*, for Redemption or Protection of his Subjects there.

His Majeſty not charged with Intention of any Force.

And whether there be any Cauſe of his Majeſty's great Indignation, for being reproach'd to have intended Force or Threatning to the Parliament: We deſire them to conſider, who ſhall read our Declaration, in which there is no Word tending to any ſuch Reproach; and certainly we have been more tender of his Majeſty's Honour in this Point, than he, whoſoever he was, that did write this Declaration, where, in his Majeſty's Name, he doth call God to Witneſs, he never had any ſuch Thought, or knew of any ſuch Reſolution of bringing up the Army; which truly will ſeem ſtrange to thoſe who ſhall read the Depoſition of Mr. *Goring*, the Information of Mr. *Percie*, and divers other Examinations of Mr. *Willmot*, Mr. *Pollard* and others; the other Examination of Captain *Legg*, Sir *Jacob. Aſhley*, Sir *John Conneyers*; and conſider the Condition and Nature of the Petition, which was ſent unto Sir *Jacob Aſhley*, under the Approbation of *C. R.* which his Majeſty doth now acknowledg to be his own Hand; and being full of Scandal to the Parliament, might have proved dangerous to the whole Kingdom, if the Army ſhould have interpoſed betwixt the King and them, as was deſired.

Mr. *Jermin*'s eſcape by his Majeſty's Warrant.

We do not affirm, that his Majeſty's Warrant was granted for the Paſſage of Mr. *Jermin*, after the deſire of both Houſes for reſtraint of his Servants, but only that he did paſs over, after that Reſtraint, by virtue of ſuch a Warrant. We know the Warrant bears date the Day before our Deſire; yet it ſeems ſtrange to thoſe who know how great Reſpect and Power Mr. *Jermin* had in Court, that he ſhould begin his Journey in ſuch haſte, and in Apparel ſo unfit for Travel, as a black Sattin Sute, and white Boots, if his going away were deſigned the Day before.

Accuſation of the Lord *Kimbolton*, &c.

The Accuſation of the Lord *Kimbolton*, and the five Members of the Houſe of Commons, is called *A Breach of Priviledg*; and truly ſo it was, and a very high one, far above any Satisfaction that hath been yet given. How can it be ſaid to be largely ſatisfied, ſo long as his Majeſty laboured to preſerve Maſter Attorney from Puniſhment, who was the [illegible] After in it; ſo long as his Majeſty hath not only juſtified him [illegible] his Letter declared, That it was his Duty to accuſe them, [illegible] have puniſh'd him if he had not done it: So long as the[illegible] not the Means of clearing their Innocency, and the Au[illegible]charge and diſcovered, though both Houſes of Par[illegible]tioned his Majeſty to diſcover them, and that [illegible] but by Act of Parliament, his Ma[illegible] refuſeth to paſs a Bill for their [illegible] Bill is againſt his Honour, whe[illegible] falſe and ſcandalous Accuſation, th[illegible] a Bill for their Acquittal; yet with in[illegible] their own Innocency, which would no[illegible] them in Law.

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And in vindication of this great Priviledg of Parliament, we do not know that we have invaded any Priviledg belonging to his Majesty, as is alledged in this Declaration.

But we look not upon this only in the Notion of a Breach of Priviledg, which might be, though the Accusation were true or false, but under the Notion of a heinous Crime in the Attorney, and all other Subjects who had a hand in it, a Crime against the Law of Nature, against the Rules of Justice, that innocent Men should be charged with so great an Offence as Treason, in the face of the highest Judicatory of the Kingdom, whereby their Lives and Estates, their Blood and Honour are endangered, without Witness, without Evidence, without all possibility of Reparation in a legal Course, yet a Crime of such a nature, that his Majesty's Command can no more warrant, than it can any other Acts of Injustice. It is true that those things which are evil in their own nature, such as false Testimony or false Accusation, cannot be the Subject of any Command, or induce any Obligation of Obedience upon any Man, by any Authority whatsoever; therefore the Attorney in this case was bound to refuse to execute such a Command, unless he had some such Evidence or Testimony as might have warranted him against the Parties, and be liable to make Satisfaction if it should prove false; and it is sufficiently known to every Man, and adjudged in Parliament, that the King can be neither the Relator, Informer, or Witness. If it rest as it is, without further Satisfaction, no future Parliament can be safe, but that the Members may be taken and destroyed at pleasure; yea, the very Principles of Government and Justice will be in danger to be dissolved.

Tumultuous Numbers.

We do not conceive that Numbers do make an Assembly unlawful, but when either the end or manner of their Carriage shall be unlawful. Divers just Occasions might draw the Citizens to *Westminster*, where many publick and private Petitions and other Causes were depending in Parliament, and why that should be found more faulty in the Citizens, than the resort of great numbers every day in the Term to the ordinary Courts of Justice, we know not. That those Citizens were notoriously provoked and assaulted at *Westminster* by Colonel *Lunsford*, Captain *Hide*, with divers others, and by some of the Servants of the Archbishop of *York*, is sufficiently proved; and that afterward they were more violently wounded, and most barbarously mangled with Swords by the Officers and Souldiers neat *White-hall*, many of them being without Weapons, and giving no cause of Distaste, as is likewise proved by several Testimonies; but of any scandalous or seditious Misdemeanors of theirs, that might give his Majesty good cause to suppose his own Person, or those of his Royal Consort or Children to be in apparent danger, we have had no Proof ever offered to either House; and if there had been any Complaint of that kind, it is no doubt the Houses would have been as forward to joyn in an Order for the suppressing such Tumults, as they were not long before upon another occasion, when they made an Order to that purpose. Whereas those Officers and Souldiers which committed that Violence upon so many of the Citizens at *White-hall*, were cherish'd and fostred in his Majesty's House: and when not long after the Common-Council of *London* presented a Petition to his Majesty for reparation of those Injuries; his Majesty's Answer was (without hearing the Proof of the Complainants) That if any Citizen were wounded or ill-treated, his Majesty was confidently assured, that it happened by their own evil and corrupt Demeanors.

We hope it cannot be thought contrary to the Duty and Wisdom of a Parliament, if many concurring, and frequently reiterated and renewed Advertisements from *Rome*, *Venice*, *Paris*, and other Parts; if the Solicitations of the Popes *Nuncio*, and our own discontented Fugitives, do make us jealous and watchful for the Safety of the State. And we have been very careful to make our Expressions thereof so easy and so plain, to the Capacity and Understanding of the People, that nothing might justly stick with them, with Reflection upon the Person of his Majesty. Wherein we appeal to the Judgment of any indifferent Person, who shall read and peruse our own Words.

We must maintain the ground of our Fears to be of that moment, that we cannot discharge the Trust and Duty which lies upon us, unless we do apply our selves to the use of those means which the Law hath enabled us in cases

of

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Prudent Omiſſions in the Anſwer.

The next Point of our Declaration was with much caution artificially paſſed over by him who drew his Majeſty's Anſwer, it being indeed the Foundation of all our Miſery, and his Majeſty's Trouble, that he is pleaſed to hear general Taxes upon his Parliament, without any particular Charge to which they may give Satisfaction, and that he hath often conceived Diſpleaſure againſt particular Perſons upon Miſ-information; and altho thoſe Informations have been clearly proved to be falſe, yet he would never bring the Accuſers to queſtion, which layeth an impoſſibility upon honeſt Men of clearing themſelves, and gives Incouragement unto falſe and unworthy Perſons to trouble him with untrue and groundleſs Informations. Three Particulars we mentioned in our Declaration, which the Penner of that Anſwer had good cauſe to omit: the words ſuppoſed to be ſpoken at *Kenſington*, the pretended Articles againſt the Queen, and the groundleſs Accuſation of the ſix Members of Parliament, there being nothing to be ſaid in Defence or Denial of any of them.

Concerning his Majeſty's deſire to join with his Parliament, and with his faithful Subjects, in defence of Religion, and publick Good of the Kingdom; we doubt not but he will do it fully when evil Counſellors ſhall be removed from about him, and until that be, as we ſhewed before of Words, ſo muſt we alſo ſay of Laws, that they cannot ſecure us; Witneſs the Petition of Right, which was followed with ſuch an inundation of illegal Taxes, that we had juſt cauſe to think that the payment of eight hundred and twenty thouſand Pounds was an eaſy burden to the Common-wealth in exchange of them; and we cannot but juſtly think, that if there be a continuance of ſuch ill Counſellors, and Favour to them, they will by ſome wicked Device or other, make the Bill for the Triennial Parliament, and thoſe other excellent Laws mentioned in his Majeſty's Declaration, of leſs value than Words.

That excellent Bill for the continuance of this Parliament was ſo neceſſary, that without it we could not have raiſed ſo great Sums of Money for the Service of his Majeſty and the Common-wealth as we have done, and without which the Ruin and Deſtruction of the Kingdom muſt needs have followed. And we are reſolved, the gracious Favour of his Majeſty expreſſed in that Bill, and the Advantage and Security which thereby we have from being diſſolved, ſhall not incourage us to do any thing which otherwiſe had not been fit to have been done. And we are ready to make it good before all the World, that altho his Majeſty hath paſſed many Bills very advantagious for the Subject, yet in none of them have we bereaved his Majeſty of any juſt, neceſſary, or profitable Prerogative of the Crown.

We ſo earneſtly deſire his Majeſty's return to *London*; for that upon it, we conceive, depends the very Safety and Being of both his Kingdoms. And therefore we muſt proteſt, that as for the time paſt, neither the Government of *London*, nor any Laws of the Land, have loſt their Life and Force for his Security; ſo for the future, we ſhall be ready to do or ſay any thing that may ſtand with the Duty or Honour of a Parliament, which may raiſe a mutual Confidence betwixt his Majeſty and Us, as We do wiſh, and [illegible] Affairs of the Kingdom do require.

Thus far the Anſwer to that which [illegible] hath led us. Now we come to that which [illegible] *tion of both Houſes, preſented to him at* [illegible] In the beginning whereof, his Majeſty wiſ[illegible] were ſo ſtated, that this way of Correſpondency [illegible] Freedom which hath been uſed of old. We kno[illegible] that gives any Impediment hereunto, neither have [illegible] be broken, when his Majeſty denies us any thing, [illegible] not grant it, or that thoſe who adviſed ſuch Deni[illegible] of the Kingdom, and Favourers of the Iriſh Re[illegible] that is turned into a general Aſſertion, which in [illegible]

ticular caſe, wherefore we muſt maintain our Votes, that thoſe who adviſed his Majeſty to contradict that which both Houſes in the Queſtion concerning the *Militia*, had declared to be Law, and command it ſhould not be obeyed, is a high breach of Priviledg; and that thoſe who adviſed his Majeſty to abſent himſelf from his Parliament, are Enemies to the Peace of the Kingdom, and juſtly to be ſuſpected to be Favourers of the Rebellion in *Ireland*. The Reaſons of both are evident, becauſe in the firſt there is as great a Derogation from the Truſt and Authority of Parliament; and in the ſecond, as much Advantage to the Proceedings and Hopes of the Rebels as may be: and we hold it a very cauſleſs Imputation upon the Parliament, that we have herein any way impeach'd, much leſs taken away the freedom of his Majeſty's Vote, which doth not import a Liberty for his Majeſty to deny any thing, how neceſſary ſoever, for the Preſervation of the Kingdom, much leſs a Licenſe to evil Counſellors, to adviſe any thing, tho never ſo deſtructive to his Majeſty and his People. 18 *Car.*

By the Meſſage of the 20*th* of *January*, his Majeſty did propound to both Houſes of Parliament, that they would with all ſpeed fall into a ſerious Conſideration of all thoſe Particulars which they thought neceſſary as well for the upholding and maintaining his Majeſty's juſt and regal Authority, and for the ſetling his Revenue, as for the preſent and future eſtabliſhing our Priviledges, the free and quiet enjoying our Eſtates, the Liberties of our Perſons, the Security of the true Religion profeſſed in the Church of *England*, and the ſetling of Ceremonies in ſuch a manner as may take away all juſt Offence, and to digeſt it into one entire Body.

To that Point of upholding and maintaining his Royal Authority, we ſay nothing hath been done to the Prejudice of it, that ſhould require any new Proviſion: To the other of ſetling the Revenue, the Parliament hath no way abridged or diſordered his juſt Revenue; but it is true that much Waſte and Confuſion of his Majeſty's Eſtate hath been made by thoſe evil and unfaithful Miniſters, whom he hath imployed in the managing of it, whereby his own ordinary Expences would have been diſappointed, and the Safety of the Kingdom more endangered, if the Parliament had not in ſome meaſure provided for his Houſhold, and for ſome of the Forts, more than they were bound to do; and they are ſtill willing to ſettle ſuch a Revenue upon his Majeſty, as may make him live Royally, plentifully and ſafely; but they cannot in Wiſdom and Fidelity to the Common-wealth do this, till he ſhall chooſe ſuch Counſellors and Officers as may order and diſpoſe it to the Publick Good, and not apply it to the Ruin and Deſtruction of his People, as heretofore it hath been. But this and the other Matters concerning our ſelves, being Works of great Importance, and full of Intricacy, will require ſo long a time of Deliberation, that the Kingdom might be ruined before we ſhould effect them. Wherefore we thought it neceſſary, firſt, to be Suitors to his Majeſty ſo to order the *Militia*, that the Kingdom being ſecured, we might with more eaſe and ſafety apply our ſelves to debate of that Meſſage wherein we have been interrupted by his Majeſty's denial of the Ordinance concerning the ſame, becauſe it would have been in vain for us to labour in other things, and in the mean time to leave our ſelves naked to the Malice of ſo many Enemies both at home and abroad: yet we have not been altogether negligent of thoſe things which his Majeſty is pleaſed to propound in that Meſſage; We have agreed upon a Book of Rates in a larger Proportion than hath been granted to any of his Majeſty's Predeceſſors, which is a conſiderable [illegible] his Majeſty's publick Charge; and have likewiſe p[illegible] and Bills for Preſervation of our Religion and Lib[illegible]rly to preſent to his Majeſty, and to do whatſoev[illegible] this unpleaſant Breach betwixt his Majeſty and his Pe[illegible]

Wh[illegible] taken concerning the *Militia*; firſt, That his Maj[illegible]ſty [illegible]ot accepted the Perſons (except for Corporatio[illegible]y. To which we anſwer, That that Exce[illegible]on [illegible] great Towns and Cities, which makes a great [illegible]e way of Ordinance it is ancient, more ſpeedy, [illegible]e and other reſpects, more proper and more appli[illegible]preſent occaſion, than a Bill, which his Majeſty calls

An. 1642. the only good old way of impoſing upon the Subjects. It ſhould ſeem that neither his Majeſty's Royal Predeceſſors, nor our Anceſtors have heretofore been of that Opinion; 37 *Ed.* 3. we find this Record, 'The Chancellor made 'Declaration of the Challenge of the Parliament; the King deſires to know the 'Griefs of his Subjects, and to redreſs Enormities. The laſt day of the Parlia-'ment the King demanded of the whole Eſtates, whether they would have ſuch 'things as they agreed on, by way of Ordinance or Statute, who anſwered, By 'way of Ordinance, for that they might amend the ſame at their pleaſure, and 'ſo it was.

But his Majeſty objects further, That there is ſomewhat in the Preface to which he could not conſent with Juſtice to his Honour and Innocence, and that thereby he is excluded from any Power in the diſpoſing of it. Theſe Objections may ſeem ſomewhat, but indeed will appear nothing, when it ſhall be conſidered, that nothing in the Preamble lays any Charge upon his Majeſty, or in the body of the Ordinance, that excludes his Royal Authority in the diſpoſing or execution of it: But only it is provided that it ſhould be ſignified by both Houſes of Parliament, as that Channel through which it will be beſt derived, and moſt certainly to thoſe ends for which it is intended, and let all the World judg, whether we have not reaſon to inſiſt upon it, that the ſtrength of the Kingdom ſhould rather be ordered according to the Direction or Advice of the great Council of the Land, equally intruſted by the King and by the Kingdom, than that the Safety of the King, Parliament, and Kingdom ſhould be left at the Devotion of a few unknown Counſellors, many of them not intruſted at all by the King in any publick way, not at all confided in by the Kingdom.

We wiſh the Danger were not imminent, or not ſtill continuing, but cannot conceive that the long time ſpent in this Debate is Evidence ſufficient that there was no ſuch neceſſity or danger, but a Bill might eaſily have been prepared: for when many Cauſes do concur to the Danger of a State, the Interruption of any one may hinder the Execution of the reſt, and yet the Deſign be ſtill kept on foot for better Opportunities. Who knows whether the ill ſucceſs of the Rebels in *Ireland* had not hindred the Inſurrection of the Papiſts here? Whether the preſervation of the ſix Members of the Parliament falſly accuſed, hath not prevented that Plot of the breaking the neck of the Parliament, of which we were informed from *France*, not long before they were accuſed? Yet ſince his Majeſty hath been pleaſed to expreſs his Pleaſure rather for a Bill than an Ordinance, and that he ſent in one for that purpoſe, we readily entertained it, and with ſome ſmall and neceſſary Alterations, ſpeedily paſſed the ſame: But contrary to the Cuſtom of Parliament, and our Expectation grounded upon his Majeſty's own Invitation of us to that way, and the other Reaſons manifeſted in our Declaration concerning the *Militia* of the 5*th* of *May*, inſtead of his Royal Aſſent, we met with an abſolute Refuſal.

If the Matter of theſe our Votes of the 15*th* and 16*th* of *March*, be according to Law, we hope his Majeſty will allow the Subjects to be bound by them, becauſe he hath ſaid, he will make the Law the Rule of his Power; and if the Queſtion be, Whether that be Law which the Lords and Commons have once declared to us ſo, who ſhall be the Judg? Not his Majeſty; for the King judgeth not of Matters of Law, but by his Courts; and his Courts, tho ſitting by his Authority, expect not his Aſſent in matters of Law: nor any other Courts, for they cannot judg in that caſe becauſe they are Inferiour; no Appeal lying to them from Parliament, the Judgment whereof is, in the Eye of the Law, the King's Judgment in his higheſt Court; tho the King in his Perſon be neither preſent nor aſſenting thereunto.

The Votes at which his Majeſty takes Exceptions are theſe.

I. *That the King's Abſence ſo far remote from the Parliament, is not only an Obſtruction, but may be a Deſtruction to the Affairs of Ireland.*

II. *That when the Lords and Commons ſhall declare what the Law of the Land is, to have this not only queſtioned and controverted, but contradicted and a Command that it ſhould not be obeyed, is a high Breach of the Privi-ledg of Parliament.*

III. That

18 Car.

III. *That theſe Perſons that adviſed his Majeſty to abſent himſelf from the Parliament, are Enemies to the Peace of the Kingdom, and juſtly may be ſuſpected to be favourers of the Rebellion in* Ireland.

That the Kingdom hath been of late, and ſtill is in ſo imminent Danger, both from Enemies abroad, and a Popiſh and diſcontented Party at home, that there is an urgent and inevitable neceſſity of putting his Majeſty's Subjects into a poſture of Defence, for the ſafeguard both of his Majeſty and his People.

That the Lords and Commons fully apprehending this Danger, and being ſenſible of their own Duty, to provide a ſuitable Prevention, have in ſeveral Petitions addreſſed themſelves to his Majeſty, for the ordering and diſpoſing the Militia of the Kingdom, in ſuch a way as was agreed upon by the Wiſdom of both Houſes, to be moſt effectual and proper for the preſent Exigents of the Kingdom, yet could not obtain it; but his Majeſty did ſeveral times refuſe to give his Royal Aſſent thereunto.

That in this caſe of extream Danger, and his Majeſty's refuſal the Ordinance of Parliament agreed upon by both Houſes for the Militia, doth oblige the People, and ought to be obeyed by the Fundamental Laws of this Kingdom.

By all which it doth appear, that there is no colour that by this Tax we go about to introduce a new Law, much leſs to exerciſe an Arbitrary Power, but indeed to prevent it: for this Law is as old as the Kingdom. That the Kingdom muſt not be without a Means to preſerve it ſelf; which that it may be done without Confuſion, this Nation hath intruſted certain Hands with a Power to provide, in an orderly and regular way, for the Good and Safety of the Whole; which Power, by the Conſtitution of this Kingdom, is in his Majeſty, and in his Parliament together: Yet ſince the Prince being but one Perſon, is more ſubject to Accidents of Nature and Chance, whereby the Common-Wealth may be deprived of the Fruit of that Truſt which was in part repoſed in him, in Caſes of ſuch Neceſſity, that the Kingdom may not be inforced preſently to return to its firſt Principles, and every Man left to do what is aright in his own Eyes, without either Guide or Rule; The Wiſdom of this State hath intruſted the Houſes of Parliament with a Power to ſupply what ſhall be wanting on the part of the Prince, as is evident by the conſtant Cuſtom and Practice thereof, in caſes of Nonage, natural Diſability and Captivity; and the like Reaſon doth and muſt hold for the exerciſe of the ſame Power in ſuch Caſes, where the Royal Truſt cannot be, or is not diſcharged, and that the Kingdom runs an evident and imminent Danger thereby; which Danger having been declared by the Lords and Commons in Parliament, there needs not the Authority of any Perſon or Court to affirm; nor is it in the Power of any Perſon or Court to revoke that Judgment.

We know the King hath Ways enough in his ordinary Courts of Juſtice, to puniſh ſuch ſeditious Pamphlets and Sermons, as are any way prejudicial to his Rights, Honour and Authority; and if any of them have been ſo inſolently violated and vilified, his Majeſty's own Council and Officers have been too blame, and not the Parliament; We never did reſtrain any Proceedings of this kind in other Courts, nor refuſe any fit Complaint to us. The Proteſtation proteſted, was referred by the Common's Houſe to a Committee, and the Author being not produced, the Printer was committed to Priſon, and the Book voted by that Committee to be burnt; but Sir *Edward Deering*, who was to make that Report of the Votes of that Committee, neglected to make it. The Apprentices Proteſtation was never complained of, but the other ſeditious Pamphlet [*To your Tents, O Iſrael*] was once queſtioned, and the full proſecution of it was not interrupted by any Fault of either Houſe, whoſe forwardneſs to do his Majeſty all Right therein, may plainly appear, in that a Committee of Lords and Commons was purpoſely appointed to take ſuch Information as the King's Counſel ſhould preſent, concerning ſeditious Words, Practices or Tumults, Pamphlets or Sermons, tending to the derogation of his Majeſty's Rights or Prerogative; and his Counſel were enjoined by that Committee, to enquire and

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preſent them; who ſeveral times met thereupon, and received this Anſwer and Declaration from the King's Counſel, that they knew of no ſuch thing as yet.

If his Majeſty had uſed the Service of ſuch a one in penning this Anſwer, who underſtood the Laws and Government of this Kingdom, he would not have thought it legally in his Power to deny his Parliament a Guard when they ſtood in need of it, ſince every ordinary Court hath it; neither would his Majeſty, if he had been well informed of the Laws, have refuſed ſuch a Guard as they deſired, it being in the Power of Inferiour Courts to command their own Guard; neither would he have impoſed upon them ſuch a Guard under a Commander which they could not confide in; which is clearly againſt the Priviledges of Parliament, and of which they found very dangerous Effects, and therefore deſired to have it diſcharged; but ſuch a Guard, and ſo commanded, as the Houſes of Parliament deſired, they could never obtain of his Majeſty; and the placing of a Guard about them contrary to their Deſire, was not to grant a Guard to them, but in effect to ſet one upon them. All which conſidered, we believe, in the Judgments of any indifferent Perſons, it will not be thought ſtrange if there were a more than ordinary reſort of People at *Weſtminſter*, of ſuch as came willingly of their own accord to be Witneſſes and Helpers of the Safety of them whom all his Majeſty's good Subjects are bound to defend from Violence and Danger; or that ſuch a Concourſe as this, they carrying themſelves quietly and peaceably, (as they did) ought, in his Majeſty's apprehenſion, or can, in the Interpretation of the Law, be held Tumultuary and Seditious.

When his Majeſty, in that Queſtion of Violation of the Laws, had expreſſed the obſervation of them indefinitely, without any limitation of Time, although we never ſaid or thought any thing that might look like a Reproach to his Majeſty, yet we had reaſon to remember that it had been otherwiſe, leſt we ſhould ſeem to deſert our former Complaints and Proceedings thereupon, as his Majeſty doth ſeem but little to like or approve of them; for although he doth acknowledg here that great Miſchief that grew by that Arbitrary Power then complained of, yet ſuch are continually preferred and countenanced as were Friends or Favourers, or related unto the chief Authors and Actors of that Arbitrary Power, and of thoſe falſe Colours, Suggeſtions of imminent Danger and Neceſſity, whereby they did make it plauſible unto his Majeſty. And on the other ſide, ſuch as did appear againſt them, are daily diſcountenanced and diſgraced: which whilſt it ſhall be ſo, we have no reaſon to judg the Diſeaſe to be yet killed and dead at Root, and therefore no reaſon to bury it in Oblivion. And whilſt we behold the Spawns of thoſe miſchievous Principles, cheriſh'd and foſtered in that new Generation of Counſellors, Friends and Abettors of the former, or at leaſt concurring with them in their Malignancy againſt the Proceedings of this Parliament, we cannot think our ſelves ſecure from the like or a worſe Danger.

And here the Penner of this Anſwer beſtows an Admonition upon the Parliament, bidding us take heed we fall not upon the ſame Error, upon the ſame Suggeſtions. But he might have well ſpared this, till he could have ſhewed wherein we had exerciſed any Power otherwiſe than by the Rule of the Law, or could have found a more authentick or higher Judg in Matters of Law, than the high Court of Parliament.

It is declared, in his Majeſty's Name, That he is reſolved to keep the Rule himſelf, and to his Power to require the ſame of all others. We muſt needs acknowledg, that ſuch a Reſolution is like to bring much Happineſs and Bleſſing to his Majeſty, and all his Kingdoms; yet with humility we muſt confeſs, we have not the Fruit of it, in that Caſe of my Lord *Kimbolton*, and the other five Members, accuſed contrary to Law, both Common Law, and the Statute Law, and yet remain unſatisfied; which Caſe was remembred in our Declaration, as a ſtrange and unheard-of Violation of our Laws. But the Penner of this Anſwer thought fit to paſs it over, hoping that many would read his Majeſty's Anſwer, (which hath been ſo carefully diſperſed) which would not read our Declaration.

Whereas, after our ample Thanks and Acknowledgment of his Majeſty's Favour in paſſing many good Bills, we ſaid, That Truth and Neceſſity inforced us to add this, that in or about the time of paſſing thoſe Bills, ſome Deſign or other hath been on Foot; which if it had taken Effect, would not only have deprived us of the Fruit of thoſe Bills, but would have reduced us to a worſe condition

dition of Confuſion, than that wherein the Parliament found us. It is now told us, that the King muſt be moſt ſenſible of what we caſt upon him, for requital of thoſe good Bills, whereas out of our uſual Tenderneſs of his Majeſty's Honour, we did not mention him at all; but ſo injurious are thoſe wicked Counſellors to the Name and Honour of their Maſter and Soveraign, that as much as they can, they lay their own Infamy and Guilt upon his Shoulders. 18 *Car.*

Here God alſo is called to witneſs His Majeſty's upright Intentions at the paſſing of thoſe Laws; this we will not queſtion, neither did we give any occaſion for ſuch a ſolemn Aſſeveration as this is. The Devil is likewiſe defied, to prove there was any Deſign with his Majeſty's Knowledg or Privity. This might well have been ſpared, for we ſpake nothing of his Majeſty: But ſince we are ſo far taxed, as to have it affirmed, that we laid a notorious and falſe Imputation upon his Majeſty, we have thought it neceſſary, for the juſt Defence of our own Innocency, to cauſe the Oaths and Examinations which have been taken concerning the Deſign, to be publiſhed in a full Narration, for Satisfaction of all his Majeſty's Subjects, out of which we ſhall now offer ſome few Particulars, whereby the World may judg whether we could have proceeded with more tenderneſs toward his Majeſty than we have done. Mr. *Goring* confeſſeth, that the King firſt asked him, Whether he were ingaged in any *Cabal* concerning the Army? and commanded him to join with Mr. *Percy* and Mr. *Jermin*, and ſome others whom they ſhould find within at Mr. *Percy*'s Chamber; Where they took the Oath of Secrecy, and then debated of a Deſign propounded by Mr. *Jermin* to ſecure the *Tower*, and to conſider of bringing up the Army to *London*. And Captain *Legg* confeſſed, he had received the Draught of a Petition in the King's Preſence; and his Majeſty acknowledgeth it was from his own Hand: and whoſoever reads the Sum of that Petition, as it was proved by the Teſtimony of Sir *Jacob Aſhley*, Sir *John Conyers*, and Captain *Legg*, will eaſily perceive ſome Points in it, apt to beget in them ſome Diſcontent againſt the Parliament. And can any Man believe there was no Deſign in the Accuſation of the Lord *Kimbolton*, and the reſt, in which his Majeſty doth avow himſelf to be both a Commander and an Actor? Theſe things being ſo, it will eaſily appear to be as much againſt the Rule of Prudence, that the Penner of this Anſwer ſhould entangle his Majeſty in this unneceſſary Apology; as it is againſt the Rules of Juſtice, that any Reparation from us ſhould be either yielded or demanded.

It is profeſſed, in his Majeſty's Name, That he is truly ſenſible of the Burthens of his People, which makes us hope that he will take that Courſe which will be moſt effectual to eaſe them of theſe Burthens, that is, to join with his Parliament in preſerving the Peace of the Kingdom; which by his Abſence from them, hath been much endangered, and which by hindering the voluntary Adventures for the recovery of *Ireland*, and diſabling the Subjects to diſcharge the great Tax laid upon them, is like to make the War much more heavy to the Kingdom. And for his Majeſty's Wants, the Parliament hath been no Cauſe of them, we have not diminiſhed his juſt Revenue, but have much eaſed his Publick Charge, and ſomewhat his Private. And we ſhall be ready, in a Parliamentary way, to ſettle his Revenue in ſuch an honourable Proportion, as may be anſwerable to both, when he ſhall put himſelf into ſuch a poſture of Government, that his Subjects may be ſecure to enjoy his juſt Protection for their Religion, Laws and Liberties.

We never refuſed his Majeſty's gracious Offer of a free and general Pardon, only we ſaid it could be no Security to our preſent Fears and Jealouſies: And we gave a Reaſon for it, that thoſe Fears did not ariſe out of any Guilt of our own Actions, but out of the evil Deſigns and Attempts of others; and we leave it to the World to judg, whether we herein have deſerved ſo heavy a Tax and Exclamation, (that it was a ſtrange World, when Princes proffered Favours are counted Reproaches; ſuch are the words of his Majeſty's Anſwer) who do eſteem that Offer as an Act of Princely Grace and Bounty, which ſince this Parliament began, we have humbly deſired we might obtain, and do ſtill hold it very neceſſary and advantagious for the generality of the Subjects, upon whom theſe Taxes and Subſidies lie heavieſt; but we ſee, upon every Occaſion, how unhappy we are in his Majeſty's miſapprehenſions of our Words and Actions.

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We are fully of the King's Mind, as it is here declared, that he may reſt ſo ſecure of the Affections of his Subjects, that he ſhould not ſtand in need of Foreign Force to preſerve him from Oppreſſion, and are confident that he ſhall never want an abundant evidence of the good Wiſhes and Aſſiſtance of his whole Kingdom, eſpecially if he ſhall be pleaſed to hold to that gracious Reſolution of building upon that ſure Foundation, the Law of the Land: but why his Majeſty ſhould take it ill, that we having received Informations ſo deeply concerning the Safety of the Kingdom, ſhould think them fit to be conſidered of, we cannot conceive; for altho the Name of the Perſon was unknown, yet that which was more ſubſtantial to the probability of the Report was known (that is) that he was Servant to the Lord *Digby*, who in his preſumptuous Letter to the Queen's Majeſty, and other Letters to Sir *Lewis Dives*, had intimated ſome wicked Propoſition ſutable to that Information; but that this ſhould require Reparation, we hold it as far from Juſtice as it is from Truth, that we have mix'd any Malice with theſe Rumours, thereby to feed the Fears and Jealouſies of the People.

It is affirmed his Majeſty is driven (but not by us, yet) from us, perchance hereafter if there be opportunity of gaining more Credit, there will not be wanting who will ſuggeſt unto his Majeſty, that it is done by us. And if his Majeſty were driven from us, we hope it was not by his own Fears, but by the Fears of the Lord *Digby*, and his Retinue of Cavaliers, and that no Fears of any Tumultuary Violence, but of their juſt Puniſhment for their manifold Inſolence and intended Violence againſt the Parliament. And this is expreſſed by the Lord *Digby* himſelf, when he told thoſe Cavaliers that the principal Cauſe of the Majeſty's going out of Town was to ſave them from being trampled in the Dirt; but of his Majeſty's Perſon there was no cauſe of fear in the greateſt heat of his Peoples Indignation after the Accuſation, and his Majeſty's violent coming to the Houſe, there was no ſhew of any evil Intention againſt his Regal Perſon, of which there can be no better Evidence than this, that he came the next day without a Guard into the City, where he heard nothing but Prayers and Petitions, no Threatnings or irreverent Speeches, that might give him any juſt occaſion of fear, that we have heard of, or that his Majeſty expreſt; for he ſtaid near a Week after at *White-hall* in a ſecure and peaceable condition, whereby we are induced to believe that there is no difficulty nor doubt at all, but his Majeſty's Reſidence near *London*, may be as ſafe as in any part of the Kingdom. We are moſt aſſured of the faithfulneſs of the City and Suburbs, and for our ſelves we ſhall quicken the Vigor of the Laws, the Induſtry of the Magiſtrate, the Authority of the Parliament for the ſuppreſſing of all tumultuary Inſolencies whatſoever, and for the vindicating of his Honour from all inſupportable and inſolent Scandals, if any ſuch ſhall be found to be raiſed upon him, as are mentioned in this Anſwer; and therefore we think it altogether unneceſſary and exceeding inconvenient to adjourn the Parliament to any other place.

Where the deſire of a good Underſtanding betwixt the King and the Parliament, is on both parts ſo earneſt as is here profeſt by his Majeſty to be in him, and we have ſufficiently teſtified to be in our ſelves, it ſeems ſtrange we ſhould be ſo long aſunder, it can be nothing elſe but evil and malicious Counſel, miſrepreſenting our Carriage to him, and in diſpoſing his Favour to us; and as it ſhall be far from us to take any advantage of his Majeſty's ſuppoſed Straits, as to deſire, much leſs to compel him to that which his Honour or Intereſt may render unpleaſant and grievous to him; ſo we hope that his Majeſty will not make his own Underſtanding or Reaſon the Rule of his Government, but will ſuffer himſelf to be aſſiſted with a wiſe and prudent Counſel, that may deal faithfully betwixt him and his People: and that he will remember that his Reſolutions do concern Kingdoms, and therefore ought not to be moulded by his own, much leſs by any other private Perſon, which is not alike proportionable to ſo great a Truſt, and therefore we ſtill deſire and hope that his Majeſty will not be guided by his own Underſtanding, or to think thoſe Courſes Streights and Neceſſities, to which he ſhall be adviſed by the Wiſdom of both Houſes of Parliament, which are the Eyes in this Politick Body, whereby his Majeſty is by the Conſtitution of this Kingdom to diſcern the Differences of thoſe things which concern the Publick Peace and Safety thereof.

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We have given his Majeſty no cauſe to ſay, that we do meanly value the diſcharge of his publick Duty, whatſoever Acts of Grace or Juſtice have been done, they proceeded from his Majeſty by the Advice and Counſel of his Parliament; yet we have and ſhall always anſwer them with conſtant Gratitude, Obedience and Affection; And altho many things have been done ſince this Parliament of another nature, yet we ſhall not ceaſe to deſire the continued Protection of Almighty God upon his Majeſty; And moſt humbly petition him to caſt from him all thoſe evil and contrary Counſels which have in many particulars formerly mentioned, much detracted from the Honour of his Government, the Happineſs of his own Eſtate, and Proſperity of his People.

And having paſt ſo many Dangers from abroad, ſo many Conſpiracies at home, and brought on the publick Work ſo far, through the greateſt Difficulties that ever ſtood in oppoſition to a Parliament, to ſuch a degree of ſucceſs, that nothing ſeems to be left in our way able to hinder the full accompliſhment of our Deſires and Endeavours for the publick Good; unleſs God in his Juſtice do ſend ſuch a grievous Curſe upon us, as to turn the Strength of the Kingdom againſt it ſelf, and to effect that by their own Folly and Credulity, which the Power and Subtilty of their and our Enemies could not attain; that is, to divide the People from the Parliament, and to make them ſerviceable to the Ends and Aims of thoſe who would deſtroy them. Therefore we deſire the Kingdom to take notice of this laſt moſt deſperate and miſchievous Plot of the Malignant Party, that is acted and proſecuted in many parts of the Kingdom, under plauſible Notions of ſtirring them up to a care of preſerving the King's Prerogative, maintaining the Diſcipline of the Church, upholding and continuing the Reverence and Solemnity of God's Service, and incouraging of Learning. And upon theſe Grounds, divers mutinous Petitions have been framed in *London*, *Kent*, and other Counties, and ſundry of his Majeſty's Subjects have been ſollicited to declare themſelves for the King againſt the Parliament: and many falſe and foul Aſperſions have been caſt upon our Proceedings, as if we had been not only negligent, but averſe in theſe Points: Whereas we deſire nothing more, than to maintain the Purity and Power of Religion, and to honour the King in all his juſt Prerogatives; and for encouragement and advancement of Piety and Learning, we have very earneſtly endeavoured, and ſtill do to the uttermoſt of our Power, that all Pariſhes may have learned, pious and ſufficient Preachers, and all ſuch Preachers competent Livings.

Many other Bills and Propoſitions are in preparation for the King's Profit and Honour, the People's Safety and Proſperity: In the Proceedings whereof, we are much hindred by his Majeſty's Abſence from the Parliament, which is altogether contrary to the Uſe of his Predeceſſors, and the Priviledges of Parliament, whereby our Time is conſumed by a multitude of unneceſſary Meſſages, and our Innocency wounded by cauſleſs and ſharp Invectives. Yet we doubt not but we ſhall overcome all this at laſt, if the People ſuffer not themſelves to be deluded with falſe and ſpecious Shews, and ſo drawn to betray us to their own undoing, who have ever been willing to hazard the undoing of our ſelves, that they might not be betray'd by our neglect of the Truſt repoſed in us: but if it were poſſible they ſhould prevail herein, yet we would not fail through God's Grace ſtill to perſiſt in our Duties, and to look beyond our own Lives, Eſtates and Advantages, as thoſe who think nothing worth the enjoying without the Liberty, Peace, and Safety of the Kingdom: nor any thing too good to be hazarded in diſcharge of our Conſciences, for the obtaining of it; and ſhall always repoſe our ſelves upon the Protection of Almighty God, which we are confident ſhall never be wanting to us (while we ſeek his Glory) as we have found it hitherto, wonderfully going along with us in all our Proceedings.

Die Jovis 19 Maii, 1642.

IT is this day ordered by the Lords and Commons in Parliament aſſembled, That this Declaration, together with the Depoſitions, ſhall be forthwith printed and publiſhed. John Brown, Cler. Parl.

[The Depoſitions and Letters here mentioned we have elſewhere occaſionally recited, and therefore forbear to repeat them.]

His

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His Majeſty's Anſwer to a Book, entituled, *The Declaration or Remonſtrance of the Lords and Commons of the* 19th *of* May, 1642.

The King's Anſwer to the Remonſtrance of the 19th of *May*, 1642.

'IF We could be weary of taking any Pains for the Satisfaction of Our People, 'and to undeceive them of thoſe ſpecious miſchievous Infuſions which are 'daily inſtilled into them, to ſhake and corrupt their Loyalty and Affection to 'Us and Our Government, after ſo full and ample Declaration of Our Self and 'Intentions, and ſo fair and ſatisfactory Anſwers to all ſuch Matters as have 'been objected to Us by a major part preſent of both Houſes of Parliament, We 'might well give over this labour of Our Pen, and ſit ſtill till it ſhall pleaſe God 'ſo to enlighten the Affections and Underſtandings of Our good Subjects on Our 'behalf (which We doubt not but that in his good time he will do) that they 'may ſee Our Sufferings are their Sufferings. But, ſince inſtead of applying them-'ſelves to the Method propoſed by Us, of making ſuch ſolid particular Propoſi-'tions as might eſtabliſh a good Underſtanding between Us, or of following the 'Advice of Our Council of *Scotland* (with whom they communicate their 'Affairs) in forbearing all means that may make the Breach wider and Wound 'deeper; they have choſen to purſue Us with new Reproaches, or rather to con-'tinue and improve the old, by adding and varying little Circumſtances and Lan-'guage, in Matters formerly urged by them, and fully anſwered by Us. We pre-'vailed with Our Self, upon very mature and particular Conſideration of it, to 'anſwer the late printed Book, intituled, *A Declaration or Remonſtrance of the Lords and Commons*, which was ordered the 19*th* of *May* laſt to be printed and publiſhed, 'hoping then that they would put Us to no more of this Trouble, but that that 'ſhould have been the laſt of ſuch a nature they would have communicated to 'Our People, and that they would not, as they have done ſince, thought fit to 'aſſault Us with a newer Declaration, indeed of a very new Nature and Learn-'ing, which muſt have another Anſwer. And We doubt not but that Our 'good Subjects in a ſhort time will be ſo well inſtructed in the Differences and 'Miſtakings between Us, that they will plainly diſcern, without reſigning their 'Reaſon and Underſtanding to Our Prerogative, or the Infallibility of a now 'major part of both Houſes of Parliament (infected by a few malignant 'Spirits) where the fault is.

'Tho we ſhall with Humility and Alacrity be always forward to acknow-'ledg the Infinite Mercy and Providence of Almighty God, vouchſafed ſo many 'ſeveral ways to Our Self and this Nation; yet ſince God himſelf doth not al-'low that We ſhould fancy and create Dangers to our Self, that We might ma-'niſeſt and publiſh his Mercy in Our Deliverance, We muſt profeſs We do not 'know thoſe Deliverances, mentioned in the beginning of that Declaration, from 'ſo many wicked Plots and Deſigns ſince the beginning of this Parliament, 'which if they had taken effect, would have brought Ruin and Deſtruction upon 'this Kingdom. We well know the great Lobour and Skill hath been uſed to 'amaze and affright Our good Subjects, with Fears and Apprehenſions of Plots 'and Conſpiracies, the ſeveral Pamphlets publiſhed, and Letters ſcattered up and 'down full of ſuch ridiculous contemptible Animadverſions to that purpoſe, as '(tho they found, for what end God knows, very unuſual countenance) no ſober 'Man could be moved with them: But We muſt confeſs, We have never been 'able to inform Our Self of any ſuch pernicious formed Deſign againſt the 'Peace of this Kingdom, ſince the beginning of this Parliament, as is mentioned 'in that Declaration, or might be any Warrant to thoſe great Fears both Our 'Houſes of Parliament ſeemed to be tranſported with, but We have great cauſe 'to believe more Miſchief and Danger hath been raiſed and begotten to the 'Diſturbance of this Kingdom, then cured or prevented by thoſe Fears and 'Jealouſies. And therefore however the Rumour and Diſcourſe of Plots and 'Conſpiracies may have been neceſſary to the Deſigns of particular Men, they 'ſhall do well not to pay any falſe Devotions to Almighty God, who diſcerns 'whether Our Dangers are real or pretended.

'For the bringing up of the Army to *London*, as We have heretofore (by no 'other direction than the Teſtimony of a good Conſcience) called God to witneſs,

'We

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'We never had, or knew any ſuch Reſolution; ſo that upon the view of the De-'poſitions now publiſhed with that Declaration, it is not evident to Us there was 'ever ſuch a Deſign, unleſs every looſe Diſcourſe or Argument be inſtance 'enough of ſuch a Deſign: And it is apparent, that what was ſaid of it, was 'near three Months before the Diſcovery to both Houſes of Parliament, ſo that 'if there were any Danger threatned that way, it vaniſhed without any Reſiſtance 'or Prevention, by the Wiſdom, Power or Authority of them.

'It ſeems the Intention of that Declaration (whatſoever other end it hath) is 'to anſwer a Declaration they received from Us, in Anſwer to that which 'was preſented to Us at *Newmarket* the *9th* of *March* laſt; and likewiſe to 'Our Anſwer to the Petition of both Houſes, preſented to Us at *York*, the *26th* 'of *March* laſt. But before that Declaration falls upon any Particulars of 'Our ſaid Declaration or Anſwer, it complains, That the Heads of the Ma-'lignant Party have with much Art and Induſtry adviſed Us to ſuffer divers 'unjuſt Scandals and Imputations upon the Parliament, to be publiſhed in Our 'Name, whereby they might make it odious to the People, and by their help 'deſtroy it: But not inſtancing in any one Scandal or Imputation ſo publiſhed 'by Us, We are ſtill to ſeek for the Heads of the Malignant Party. But Our 'good Subjects will eaſily underſtand, That if We were guilty of that Aſper-'ſion, We muſt not only be active in raiſing the Scandal, but paſſive in the 'Miſchief begotten by that Scandal, We being an eſſential part of the Parlia-'ment, and We hope the juſt Defence of Our Self and Our Authority, and the ne-'ceſſary Vindication of Our Innocence and Juſtice from the Imputation laid on Us 'by a major part then preſent of either or both Houſes, ſhall no more be called 'a Scandal upon the Parliament, than the Opinion of ſuch a part be reputed an 'Act of Parliament: And We hope Our good Subjects will not be long miſled 'by that common Expreſſion in all the Declarations, wherein they uſurp the 'word *Parliament*, and apply it to countenance any Reſolution or Vote ſome 'few have a mind to make, by calling it, *The Reſolution of Parliament*, which 'can never be without Our Conſent; neither can the Vote of either, or both 'Houſes, make a greater alteration in the Laws of this Kingdom (ſo ſolemnly 'made by the Advice of their Predeceſſors, with the Concurrence of Us and 'Our Anceſtors) either by commanding or inhibiting any thing (beſides the 'known Rule of the Law) than Our ſingle Direction or Mandate can do, to 'which We do not aſcribe the Authority.

'But that Declaration informs Our People, that the Malignant Party hath 'drawn Us into the Northern Parts far from Our Parliament. It might more 'truly and properly have ſaid, that it hath driven, than drawn Us hither. For 'We confeſs our Journy hither (for which We have no other reaſon to be 'ſorry, than with reference to the cauſe of it) was only forced upon Us by the 'true Malignant Party which contrived and countenanced thoſe barbarous Tu-'mults, and other ſeditious Circumſtances, of which We have ſo often com-'plained, and hereafter ſhall ſay more, and which indeed threatens ſo much 'Danger to Our Perſon, and laid ſo much Scandal upon the whole Privileds and 'Dignity of Parliament, that We wonder it can be mentioned without Bluſhes 'or Indignation: But of that anon. But why the Malignant Party ſhould be 'charged with cauſing a Preſs to be tranſported to *York*, We cannot imagine, 'neither have any Papers or Writings iſſued from thence, to Our Knowledg, 'but what have been extorted from Us by ſuch Provocations, as have not been 'before offered to a King. And no doubt it will appear a moſt trivial and fond 'Exception, when all Preſſes are open to vent whatſoever they think fit to ſay 'to the People, (a thing unwarranted by former Cuſtom) that We ſhould not 'make uſe of all lawful means to publiſh Our juſt and neceſſary Anſwers there-'unto. As for the Authority of the Great Seal (tho We do not know that 'it hath been neceſſary to things of this nature) the ſame ſhall be more frequent-'ly uſed hereafter, as occaſion ſhall require, to which We make no doubt the 'greater and better part of Our Privy-Council will concur, and whoſe Advice 'We are reſolved to follow, as far as it ſhall be agreeable to the Good and 'Welfare of the Kingdom.

'Before that Declaration vouchſafes to inſiſt on any Particulars, it is pleaſed 'to cenſure both Our Declaration and Anſwer, to be filled with harſh Cenſures, 'and cauſleſs Charges upon the Parliament, (ſtill miſapplying the word *Par-*

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'*liament* to the Vote of both Houſes) concerning which they reſolve to give ſa-
'tisfaction to the Kingdom, ſince they find it very difficult to ſatisfy us. If, as in
'the uſage of the word *Parliament*, they have left Us out of their Thoughts; ſo by
'the word *Kingdom*, they intend to exclude all our People, who are out of their
'Walls; (for that's grown another Phraſe of the Time, The Vote of the major
'part of both Houſes, and ſometimes of One, is now called, *The Reſolution of*
'*the whole Kingdom*) We believe it may not be hard to give Satisfaction to
'themſelves, otherwiſe We are confident (and our Confidence proceeds from
'the Uprightneſs of our own Conſcience) they will never be able ſo to ſever the
'Affections of Us and our Kingdom that what cannot be Satisfaction to the one,
'ſhall be to the other: Neither will the Stile of *Humble* and *Faithful*, and telling
'Us, *That they will make Us a Great and Glorious King*, in their Petitions and Re-
'monſtrances, ſo deceive our good Subjects, that they will paſs over the Re-
'proaches, Threats and Menaces, they are ſtuffed with, which ſure could not be
'more gently reprehended by Us, than by ſaying, Their Expreſſions were
'different from the uſual Langague to Princes, which that Declaration tells
'you, We had no occaſion to ſay. But We believe, whoſoever looks over
'that Declaration preſented to Us at *Newmarket*, to which Ours was an An-
'ſwer, will find the Language throughout it, to be ſo unuſual, that, before
'this Parliament, it could never be parallel'd, whiles under pretence of juſti-
'fying their Fears, they give ſo much Countenance to the Diſcourſe of the Re-
'bels of *Ireland*, as if they had a mind our good Subjects ſhould give credit to
'it: Otherwiſe, being warranted by the ſame Evidence, which they have ſince
'publiſhed, they would have as well declared, That thoſe Rebels publickly
'threaten the rooting out the Name of the *Engliſh*, and that they will have a King
'of their own, and no longer be governed by Us; as that they ſay, That they
'do nothing but by our Authority, and that they call themſelves, *The Queen's*
'*Army*. And therefore we have great reaſon to complain of the abſence of Ju-
'ſtice and Integrity in that Declaration; beſides the unfitneſs of other Expreſ-
'ſions. Neither did We miſtake the Subſtance or Logick of the Meſſage to Us
'at *Theobalds*, concerning the *Militia*, which was no other, and is ſtated to be no
'other (even by that Declaration which reproved Us) than a plain Threat, *That*
'*if We refuſed to join with them, they would make a Law without Us*. Nor hath
'the Practice ſince that been other, which will never be juſtified to the moſt
'ordinary (if not partial) Underſtandings, by the meer averring it to be accord-
'ing to the Fundamental Laws of this Kingdom, without giving any direction,
'that the moſt cunning and learned Men in the Laws, may be able to find thoſe
'Foundations. And We muſt appeal to all the World, Whether they might not
'with as much Juſtice, and by as much Law, have ſeized upon the Eſtate of eve-
'ry Member of both Houſes, who diſſented from that pretended Ordinance,
'(which much the major part of the Houſe of Peers did two or three ſeveral
'times) as they have invaded that Power of Ours over the *Militia*, becauſe We
'(upon Reaſons they have not ſo much as pretended to anſwer) refuſed to con-
'ſent to that Propoſition: And if no better Effects than loſs of Time, and hinde-
'rance of the publick Affairs, have been found by our Anſwers and Replies, let
'all good Men judg, by whoſe Default, and whoſe want of Duty ſuch Effects
'have been: For as our End (indeed only End) in thoſe Anſwers and Replies
'hath been, the Settlement and Compoſure of publick Affairs, ſo We are aſſured,
'and moſt Men do believe, That if that due Regard and Reverence had been
'given to our Words, and that Conſent and Obedience to our Counſels, which
'We did expect, there had been before this time a chearful Calm upon the Face
'of the whole Kingdom, every Man enjoying his own, with all poſſible Peace
'and Security that can be imagined; which ſurely thoſe Men do not deſire, who
'(after all thoſe Acts of Juſtice and Favour paſſed by Us this Parliament, all
'thoſe Affronts and Sufferings endured and undergone by Us) think fit ſtill to
'reproach Us with Ship-money, Coat and Conduct-Money, and other things
'ſo abundantly declared (as that Declaration it ſelf confeſſes) in the general
'Remonſtrance of the State of the Kingdom, publiſhed in *November* laſt,
'which We wonder to find now avowed to be the Remonſtrance of both
'Houſes, and which we aſſure was preſented to Us only by the Houſe of Com-
'mons; and did never, and We are confident, in that time, could never have
'paſſed the Houſe of Peers; the Concurrence and Authority of which was not

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'then thought neceſſary. Shall we believe thoſe Reproaches to be the Voice of 'the Kingdom of *England?* That all our loving Subjects, Eaſed, Refreſhed, 'Strengthned, and abundantly Satisfied with our Acts of Grace and Favour to- 'wards them, are willing to be involved in theſe unthankful Expreſſions? We 'muſt appeal to the Thanks and Acknowledgments publiſhed in the Petitions of 'moſt of the Counties of *England*; to the Teſtimony and Thanks we have recei- 'ved from both Houſes of Parliament, how ſeaſonable, how agreeable the uſage 'of Us is to our Merit, or their former Expreſſions.

'We have not at all ſwerved or departed from our Reſolution, or words in 'the beginning of this Parliament: We ſaid, We were reſolved to put our Self 'freely and clearly upon the Love and Affection of our Engliſh Subjects; and 'We ſay ſo ſtill, as far as concerns *England.* And We call Almighty God to 'Witneſs, all our Complaints and Jealouſies, which have never been cauſleſs, 'not of our Houſes of Parliament, (but of ſome few Schiſmatical, Factious and 'Ambitious Spirits, and upon ſuch Grounds, as ſhort Time, We fear, will juſtify 'to the World) Our denial of the Militia, our abſenting our Self from *London*, 'have been the Effects of an upright and faithful Affection to our Engliſh Sub- 'jects, that We may be able (through all the Inconveniences We are compelled 'to wreſtle with) at laſt to preſerve and reſtore their Religion, Laws and Liber- 'ties unto them.

'Since the Proceeding againſt the Lord *Kimbolton*, and the five Members, is 'ſtill looked upon, and ſo often preſſed as ſo great an Advantage againſt Us, 'that no Retractation made by Us, nor no Actions ſince that Time committed 'againſt Us, and the Law of the Land, under the pretence of Vindication of 'Priviledg, can ſatisfy the Contrivers of that Declaration, but that they would 'have our good Subjects believe, The Accuſation of thoſe ſix Members muſt be 'a Plot for the breaking the Neck of the Parliament, (a ſtrange Arrogance, if 'any of thoſe Members had the penning of that Declaration) and that it is ſo 'often urged againſt Us, as if by that ſingle caſual Miſtake of Ours (in Form 'only) We had forfeited all Duty, Credit and Allegiance from our People: We 'muſt, without endeavouring to excuſe that, *which in Truth was an Error* (Our 'going to the Houſe of Commons) give our People a clear and full Narration 'of the Matter of Fact, aſſuring our Self, that our good Subjects will not find 'our Carriage in that Buſineſs, ſuch as hath been reported.

'When we reſolved upon ſuch Grounds, as when they ſhall be publiſhed, will 'ſatisfy the World, That it was fit for our own Safety and Honour, and the 'Peace of the Kingdom, to proceed againſt thoſe Perſons, though We well know 'there was no degree of Priviledg in that Caſe, yet (to ſhew Our deſire of Cor- 'reſpondency with the two Houſes of Parliament) We choſe, rather than to ap- 'prehend their Perſons by the ordinary Miniſters of Juſtice, (which, according 'to the Opinion and Practice of former Times, We might have done) to com- 'mand our Attorney-General to acquaint our Houſe of Peers with our In- 'tention, and the general Matters of our Charge, (which was yet more parti- 'cular than a meer Accuſation) and to proceed accordingly; and at the ſame 'time ſent a ſworn Servant, a Serjeant at Arms, to our Houſe of Commons, 'to acquaint them, That we did Accuſe, and intended to proſecute the five Mem- 'bers of that Houſe for High-Treaſon, and did require that their Perſons might 'be ſecured in Cuſtody: This we did, not only to ſhew that We intended not to 'violate or invade their Priviledges, but to uſe more Ceremony towards them, 'than we then conceived in Juſtice might be required of us; and expected at leaſt 'ſuch an Anſwer as might inform Us, if we were out of the way: But we 'received none at all; Only in the Inſtant, without offering any thing of their 'Priviledges to our Conſideration, an Order was made, (and the ſame Night 'publiſhed in Print) That if any Perſon whatſoever ſhould offer to Arreſt the 'Perſon of any Member of that Houſe, without firſt acquainting that Houſe 'therewith, and receiving further Order from that Houſe, That it ſhould be 'lawful for ſuch Members, or any Perſon to reſiſt them, and to ſtand upon 'his or their Guard of Defence, and to make Reſiſtance according to the Prote- 'ſtation taken to defend the Priviledges of Parliament: And this was the firſt 'time that We heard the Proteſtation might be wreſted to ſuch a ſenſe; or that 'in any caſe (though of the moſt undoubted and unqueſtionable Priviledg) it 'might be lawful for any Perſon, to reſiſt, and uſe Violence againſt a publick

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'Miniſter of Juſtice, armed with lawful Authority; though We well knew, 'that even ſuch a Miniſter might be puniſhed for executing ſuch Authority.

'Upon viewing this Order, we muſt confeſs we were ſomewhat amazed, 'having never ſeen or heard of the like, though We had known Members of 'either Houſe committed without ſo much Formality as We had uſed, and 'upon Crimes of a far inferiour Nature to thoſe We had ſuggeſted; and having 'no Courſe propoſed to Us for Our proceeding, We were upon the Matter 'only told, That againſt thoſe Perſons We were not to proceed at all: that 'they were above Our reach, or the reach of the Law. It was then not eaſy for Us 'to reſolve what to do: If We imployed our Miniſters of Juſtice in the uſual 'way for their Apprehenſion, (who without doubt would not have refuſed to 'execute Our lawful Commands) We ſaw what Reſiſtance and Oppoſition 'was like to be made, which very probably might coſt ſome Blood: If We 'ſat ſtill, and deſiſted upon this Terror, We ſhould at the beſt have confeſſed 'our own want of Power, and the weakneſs of the Law. In this Strait we put 'on a ſudden Reſolution, to try whether our own Preſence, and a clear diſcove-'ry of our Intentions (which haply might not have been ſo well underſtood) 'could remove thoſe Doubts, and prevent thoſe Inconveniences which ſeemed to 'have been threatned; and thereupon we reſolved to go in our own Perſon to 'our Houſe of Commons, which we diſcovered not till the very minute of our 'going; when we ſent out Orders, That our Servants, and ſuch Gentlemen as were 'then in our Court, ſhould attend Us to *Weſtminſter*: But giving them expreſs 'Command, (as we have expreſſed in our Anſwer to the Ordinance) that no 'Accidents of Provocation ſhould draw them to any ſuch Action as might im-'ply a purpoſe of Force in Us; and our Self (requiring thoſe of our Train not 'to come within the Door) went into the Houſe of Commons: The bare do-'ing of which, We did not then conceive would have been thought more a Breach 'of Privileg, than if we had gone to the Houſe of Peers, and ſent for them to 'come to Us, which is the uſual Cuſtom. We uſed the beſt Expreſſions We 'could to aſſure them how far We were from any Intention of violating their 'Priviledges, That We intended to proceed legally and ſpeedily againſt the 'perſons We had accuſed, and deſired therefore, if they were in the Houſe, that 'they might be delivered to Us; or if abſent, that ſuch a courſe might be taken for 'their forth coming as might ſatisfy Our juſt Demands; and ſo we departed, having 'no other purpoſe of Force, if they had been in the Houſe, then We have before 'proteſted before God, in Our Anſwer to the Ordinance. You have an account 'of Our part of this Story fully, let our People judg freely of it. What fol-'lowed on their part, (tho this Declaration tells you, *It could not withdraw any 'part of their Reverence and Obedience from Us*; it may be any part of theirs it did 'not) We ſhall have too much cauſe hereafter to inform the World.

'There will be no end of this Diſcourſe, and of upbraiding Us with evil Coun-'ſellors; if upon our conſtant denial of knowing any, they will not vouchſafe 'to inform Us of them; and after eight Months amuſing the Kingdom with 'the expectation of a diſcovery of a Malignant Party, and of evil Counſellors, 'they will not at laſt name any, nor deſcribe them. Let the Actions and Lives 'of Men be examined, who have Contrived, Counſelled, Actually conſented 'to grieve and burden our People; and if ſuch be about Us, or any againſt whom 'any notorious malicious Crime can be proved; if We ſhelter and protect any 'ſuch, let our Injuſtice be publiſhed to the World; but till that be done, par-'ticularly and manifeſtly, *(for We ſhall never conclude any Man, upon a bare ge-'neral Vote of the major Part of either, or both Houſes, till it be evident that 'major Part be without Paſſion or Affection)* We muſt look upon the Charge 'this Declaration puts on Us, of cheriſhing and countenancing a diſcon-'tented Party of the Kingdom againſt them, as a heavier and unjuſter Tax upon 'our Juſtice and Honour, than any We have, or can lay upon the Framers of 'that Declaration.

'And now, to countenance thoſe unhandſome Expreſſions, whereby uſually 'they have implied our Connivance at, or want of Zeal againſt the Rebellion 'of *Ireland*, (ſo odious to all good Men) they have found a new way of Expro-'bration; *That the Proclamation againſt thoſe bloody Traitors came not out till the 'beginning of* January, *though that Rebellion broke out in* October; *and then by 'ſpecial Command from Us, but forty Copies were appointed to be printed.* 'Tis

'well

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'well known where We were at that Time, when that Rebellion brake forth, 'in *Scotland*: That We immediately from thence recommended the Care of that 'Buſineſs to both Houſes of Parliament here, after We had provided for 'all fitting Supplies from our Kingdom of *Scotland*. That after Our return 'hither, We obſerved all thoſe Forms for that Service, which We were ad-'viſed to by our Council of *Ireland*, of both Houſes of Parliament here; and 'if no Proclamation iſſued out ſooner, (of which for the preſent We are not 'certain, but think that others before that time were iſſued by our Directions) 'it was, becauſe the Lords Juſtices of the Kingdom deſired them no ſooner; 'and when they did, the number they deſired was but Twenty, which they ad-'viſed might be ſigned by Us; which We, for Expedition of the Service, com-'manded to be printed, (a Circumſtance not required by them) thereupon We 'ſigned more of them than our Juſtices deſired: All which was very well known 'to ſome Members of one or both Houſes of Parliament, who have the more 'to anſwer, if they forbore to expreſs it at the paſſing of this Declaration; and 'if they did expreſs it, We have the greater reaſon to complain, that ſo envious 'an Aſperſion ſhould be caſt on Us to our People, when they knew well how to 'anſwer their own Objection.

'What that Complaint is againſt the Parliament, put forth in our Name, 'which is ſuch an Evidence and Countenance to the Rebels, and ſpeaks the ſame 'Language of the Parliament, which the Rebels do, We cannot underſtand. 'All our Anſwers and Declarations have been, and are owned by Us, and have 'been atteſted under our own Hand; if any other had been publiſhed in our 'Name, and without our Authority, it would be eaſy for both Houſes of Par-'liament to diſcover and apprehend the Authors: And We wiſh, that whoſo-'ever was truſted with the Drawing and Penning of that Declaration, had no 'more Authority or Cunning to impoſe upon, or deceive a major Part of thoſe 'Votes by which it paſſed, than any Man hath to prevail with Us to publiſh 'in our Name, any thing but the Senſe and Reſolution of our own Heart: Of 'that the Contriver of that Declaration could, with as good a Conſcience, call 'God to witneſs, that all his Counſels and endeavours have been free from all 'private Aims, perſonall Reſpects or Paſſions whatſoever, as We have done, 'and do, That We never had or knew of any ſuch Reſolution of bringing up the 'Army to *London*. And ſince this new Device is found out, inſtead of anſwering 'our Reaſons, or ſatisfying our juſt Demands, to blaſt our Declarations and 'Anſwers, as if they were not Our own, (a bold ſenſleſs Imputation) We are 'ſure, that every Anſwer and Declaration publiſhed by Us, is much more Our 'own, than any one of thoſe bold, threatning, and reproachful Petitions and 'Remonſtrances, are the Acts of either, or both Houſes. And if the Penner of 'that Declaration had been careful of the Truſt repoſed in him, he would never 'have denied, (and thereupon found fault with our juſt Indignation) in the Text 'or Margent, that We had never been charged with the Intention of any Force; 'and that in their whole Declaration there is no Word tending to ſuch a Re-'proach; The contrary whereof is ſo evident, that We are in expreſs Terms 'charged in that Declaration, That we ſent them gracious Meſſages, when, with 'our Privity, bringing up the Army was in agitation. And even in this De-'claration they ſeek to make our People believe ſome ſuch thing to be proved 'in the Depoſitions now publiſhed, wherein, We doubt not, they will as much 'fail, as they do in their Cenſure of that Petition ſhewed formerly to Us by 'Captain *Legg*, and ſubſcribed by Us with *C. R.* which notwithſtanding Our 'full and particular Narration of the Subſtance of that Petition, the Circumſtan-'ces of Our ſeeing and approving it, this Declaration is pleaſed to ſay, Was full 'of Scandal to the Parliament, and might have proved dangerous to the whole 'Kingdom. If they have this dangerous Petition in their Hands, We have no 'reaſon to believe any tenderneſs to Us-ward hath kept them from communi-'cating it: If they have it not, We ought to have been believed. But that all 'good People may compute their other pretended Dangers by their clear Under-'ſtanding of this, the noiſe whereof hath not been inferiour to any of the reſt, 'We have recovered a true Copy of the very Petition we ſigned with *C. R.* 'which ſhall in fit time be publiſhed, and which, We hope, will open the Eyes 'of our good People.

'Concerning

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'Concerning Our Warrant for M. *Jermyn*'s Paſſage, Our Anſwer was true 'and full; but for his black Sattin Sute, and white Boots, We can give no 'account.

'We complained in Our Declaration, and as often as We have occaſion to 'mention Our Return and Reſidence near *London*, We ſhall complain of the 'barbarous and ſeditious Tumults at *Weſtminſter* and *White-hall*, which indeed 'were ſo full of Scandal to Our Government, and Danger to Our Perſon, that 'We ſhall never think of Our Return thither, till We have Juſtice for what is 'paſt, and Security for the time to come. And if there were ſo great a neceſſity, or 'deſire of Our Return as is pretended, in all this time, upon ſo often preſſing 'Our Deſires, and upon Cauſes ſo notorious, We ſhould at leaſt have pro-'cured ſome Order for the future. But that Declaration tells Us, We are upon 'the Matter miſtaken; the Reſort of the Citizens to *Weſtminſter* was as lawful 'as the Reſort of great numbers every day in the Term to the ordinary Courts 'of Juſtice. They knew no Tumults. Strange! Was the diſorderly appearance 'of ſo many thouſand People with Staves and Swords crying through the Streets, '*Weſtminſter-hall*, the Paſſage between both Houſes (in ſo much as the Mem-'bers could hardly paſs to and fro) *No Biſhops*, *Down with the Biſhops*, no Tu-'mults? What Member is there of either Houſe that ſaw not thoſe Numbers, 'and heard not thoſe Cries? And yet lawful Aſſemblies! Were not ſeveral 'Members of either Houſe aſſaulted, threatned and ill-treated? And yet no 'Tumults! Why made the Houſe of Peers a Declaration, and ſent it down to 'the Houſe of Commons for the ſuppreſſing of Tumults, if there were no 'Tumults? And if there were any, Why was not ſuch a Declaration conſented 'to and publiſhed? when the Attempts were ſo viſible, and the Threats ſo loud 'to pull down the Abbey at *Weſtminſter*, had We not juſt cauſe to apprehend, 'That ſuch People might continue their work to *White-hall?* Yet no Tumults! 'What a ſtrange time are we in, that a few impudent, malicious (to give them 'no worſe term) Men ſhould caſt ſuch a ſtrange Miſt of Error before the Eyes 'of both Houſes of Parliament, as that they either cannot, or will not ſee how 'manifeſtly they injure themſelves, by maintaining theſe viſible Untruths? We 'ſay no more. By the help of God and the Law, We will have Juſtice for 'thoſe Tumults.

'From excepting (how weightily let every Man judg) to what We have 'ſaid, that Declaration proceeds to cenſure Us for what We have not ſaid, for 'the prudent Omiſſions in Our Anſwer: We forbore to ſay any thing of the 'words ſpoken at *Kenſington*, or the Articles againſt Our deareſt Conſort; and 'of the Accuſation of the ſix Members: Of the laſt We had ſpoken often, 'and We thought enough of the other two; having never accuſed any (tho God 'knows what Truth there might be in either) We had no reaſon to give any 'particular Anſwer.

'We do not reckon Our Self bereaved of any part of Our Prerogative, 'which We are pleaſed freely for a time to part with by Bill; yet We muſt 'ſay, We expreſſed a great Truſt in Our two Houſes of Parliament, when We 'deveſted Our Self of the Power of diſſolving this Parliament, which was a 'juſt, neceſſary and proper Prerogative: But We are glad to hear their Reſolu-'tion, that it ſhall not encourage them to do any thing, which otherwiſe had 'not been fit to have been done: If it do, it will be ſuch a Breach of Truſt, 'as God will require an account for at their hands.

'For the *Militia*, We have ſaid ſo much of it heretofore, and the Point is ſo 'well underſtood by all Men, that We will waſte time no more in that Diſpute. 'We never ſaid, there was no ſuch thing as an Ordinance (though We know 'that they have been long diſ-uſed) but that there never was any Ordinance, or 'can be without the King's Conſent; and that is true: and the unneceſſary Proof 'here cited in the Declaration doth not offer to prove the contrary. But enough 'of that. God and the Law muſt determine that buſineſs.

'Neither hath this Declaration given Us any Satisfaction concerning the 'Votes of the 15th and 16th of *March* laſt, which We muſt declare, and ap-'peal to all the World in the Point, to be the greateſt Violations of Our Privi-'ledge, the Law of the Land, the Liberty of the Subject, and the Right of 'Parliament, that can be imagined. One of theſe Votes is, [illegible] other to deſtroy the King and People) *That when the Lords and Commons* [illegible]

'With

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'well the Commons are admitted to their part in Judicature) *ſhall declare what* 'the Law of the Land is, the ſame muſt be aſſented to, and obeyed; that is the ſenſe 'in few words. Where is every Man's Property, every Man's Liberty? If a 'major part of both Houſes declare that the Law is, that the younger Brother 'ſhall inherit, What is become of all the Families and Eſtates in the Kingdom? 'If they declare, That by the Fundamental Law of the Land, ſuch a raſh Action, 'ſuch an unadviſed Word ought to be puniſhed by perpetual Impriſonment, is 'not the Liberty of the Subject, *durante beneplacito*, remedileſs? That Decla- 'ration confeſſeth, They pretend not to Power of making new Laws, that 'without Us they cannot do that: They need no ſuch Power, if their Declara- 'tion can ſuſpend this Statute from being obeyed or executed, and make this 'Order, which is no Statute, to be obeyed and executed. If they have Power 'to delare the Lord *Digby* waiting on Us to *Hampton-Court*, and thence viſiting 'ſome Officers at *Kingſton*, with a Coach and ſix Horſes, to be levying of War, 'and High-Treaſon. And Sir *John Hotham*'s defying Us to Our Face, keeping Our 'Town, Fort and Goods againſt Us by force of Arms, to be an Act of Affecti- 'on and Loyalty, what needs a Power of making new Laws? Or, is there ſuch a 'thing as Law left? We deſire Our good Subjects to mark the Reaſon and 'Conſequence of theſe Votes, the Progreſs they have already made, and how 'infinite that Progreſs may be. Firſt, they vote the Kingdom is in imminent 'danger (it is above three Months ſince they diſcerned it) from Enemies abroad, 'and a Popiſh and Diſcontented Party at home; that is Matter of Fact, the 'Law follows: This Vote hath given them Authority by Law (the Funda- 'mental Laws of the Kingdom) to order and diſpoſe of the *Militia* of the 'Kingdom, and with this Power, and to prevent that Danger, to enter into 'Our Towns, ſeize upon Our Magazine, and by Force keep both from Us? 'Is not this Our Caſe? Firſt, they vote We have an Intention to levy War 'againſt Our Parliament; that is Matter of Fact: Then they declare, ſuch as 'ſhall aſſiſt Us to be guilty of High-Treaſon; that is the Law, and proved by 'two Statutes themſelves know to be repealed: no matter for that, they de- 'clare it. Upon this ground they exerciſe the *Militia*, and ſo actually do that 'upon Us, which they have voted We intend to do upon them. Who doth 'not ſee the Confuſion that muſt follow upon ſuch a Power of declaring? 'If they ſhould now vote, That We did not write this Declaration, but that 'ſuch an one did it, which is ſtill Matter of Fact; and then declare, That 'for ſo doing he is an Enemy to the Common-wealth; What is become of the 'Law that Man was born to? And if all their Zeal for the Defence of the 'Law, be but to defend that which they declare to be Law, their own Votes, 'it will not be in their Power to ſatisfy any Man of their good Intentions 'to the publick Peace, but ſuch who are willing to relinquiſh their Titles to '*Magna Charta*, and hold their Lives and Fortunes by a Vote of a major part of 'both Houſes. In a word, We deny not but they may have Power to declare 'in a particular doubtful Caſe regularly brought before them, what Law is; 'but to make a general Declaration, whereby the known Rule of the Law 'may be croſſed or altered, they have no Power, nor can exerciſe any, with- 'out bringing the Life and Liberty of the Subject to a Lawleſs and Arbitrary 'Subjection.

'We complained (and let the World judg the Juſtice and Neceſſity of 'that Complaint) of the multitude of ſeditious Pamphlets and Sermons. And 'that Declaration tells Us, They know We have ways enough in Our ordina- 'ry Courts of Juſtice to puniſh thoſe: So We have to puniſh Tumults and 'Riots, and yet they will not ſerve Our turn to keep Our Towns, Our Foreſts 'and Parks from Violence. And it may be, though thoſe Courts have ſtill 'the Power to puniſh, they may have loſt the Skill to define what Riots and Tu- 'mults are; otherwiſe a Jury in *Southwark*, legally impanelled to examine a 'Riot there, would not have been ſuperſeded, and the Sheriff enjoyned not to 'proceed, by virtue of an Order of the Houſe of Commons, which it ſeems 'at that time had the ſole Power of declaring. But it is no wonder, that they 'who could not ſee the Tumults, do not conſider the Pamphlets and Sermons, 'though the Author of the *Proteſtation Protected*, be well known to be *Burton* '(that infamous Diſturber of the Peace of this Church and State) and that he 'preached it at *Weſtminſter*, in the hearing of divers Members of the Houſe of 'Commons:

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'Commons: But of ſuch Pamphlets, and ſeditious Preachers (divers whereof 'have been recommended, if not impoſed upon ſeveral Pariſhes, by ſome 'Members of both Houſes, by what Authority We know not) We ſhall here-'after take a further account.

'We confeſs We have little Skill in the Laws, and thoſe that have had moſt, 'We now find are much to ſeek: Yet We cannot underſtand or believe, That 'every ordinary Court, or any Court, hath Power to raiſe what Guard they 'pleaſe, and under what Command they pleaſe: neither can We imagine what 'dangerous Effects they found by the Guard We appointed them, or (indeed) 'any the leaſt occaſion why they needed a Guard at all.

'But of all the Imputations ſo cauſleſly and unjuſtly laid upon Us by that 'Declaration, We muſt wonder at that Charge ſo apparently and evidently un-'true, That ſuch are continually preferred and countenanced by Us, who are 'Friends or Favourers, or related to the chief Authors and Actors of that 'Arbitrary Power heretofore practiſed and complained of. And on the other 'ſide, that ſuch as did appear againſt it, are daily diſcountenanced and diſ-'graced. We would know one Perſon that contributed to the Ills of thoſe 'Times, or had dependance upon thoſe that did, whom We do, or lately have 'countenanced or preferred. Nay, We are confident (and We look for no o-'ther at their hands) as they have been always moſt eminent Aſſertors of the 'publick Liberties; ſo, if they found Us inclined to any thing not agreeable to 'Honour and Juſtice, they would leave Us to morrow: whether different Per-'ſons have not, and do not receive countenance elſewhere, and upon what 'grounds, let all Men judg; and whether We have not been forward enough 'to honour and prefer thoſe of the moſt contrary Opinion, how little Comfort 'ſoever we have had of thoſe Preferments; in beſtowing of which hereafter 'We ſhall be more guided by Mens Actions and Opinions: And therefore We 'had good cauſe to beſtow that Admonition (for We aſſure you it was an Ad-'monition of Our own) upon both Our Houſes of Parliament, to take heed of 'inclining, under the ſpecious ſhews of Neceſſity and Danger, to the exerciſe of 'ſuch an Arbitrary Power they before complained of: The Advice will do no 'harm, and We ſhall be glad to ſee it followed.

'And are all the ſpecious Promiſes and loud Profeſſions of making Us a 'great and glorious King, of ſetling a greater Revenue upon Us than any of 'Our Anceſtors have enjoyned; of making Us to be honoured at home, and 'feared abroad, reſolved into this, that they will be ready to ſettle Our Re-'venue in an honourable Proportion, when We ſhall put Our Self in ſuch a 'Poſture of Government that Our Subjects may be ſecure to enjoy Our juſt 'Protection for their Religion, Laws and Liberties? What Poſture of Go-'vernment they intend We know not, nor can We imagine what Security Our 'good Subjects can deſire for their Religion, Laws and Liberties, which We 'have not offered or fully given. And is it ſutable to the Duty and Dignity of 'both Houſes of Parliament to anſwer Our particular weighty Expreſſions of 'the Cauſes of Our Remove from *London* (ſo generally known to the King-'dom) with a Scoff, That they hope We were driven from thence, not by 'Our own Fears, but by the Fears of the Lord *Digby*, and his Retinue of Ca-'valiers? Sure the Penner of that Declaration inſerted that ungrave and info-'lent Expreſſion (as he hath done divers others) without the Conſent or Exami-'nation of both Houſes, who would not ſo lightly have departed from their 'former profeſſions of Duty to Us.

'Whether the way to a good Underſtanding between Us and Our People 'hath been as zealouſly preſſed by them, as it hath been profeſſed and deſired 'by Us, will be eaſily diſcerned by thoſe who obſerve, that We have left no 'publick Act undone on Our part, which in the laſt degree, might be neceſſa-'ry to the Peace, Plenty, and Security of Our Subjects, and that they have not 'diſpatched one Act which hath given the leaſt evidence of their particular 'Affection and Kindneſs to Us: But on the contrary, have diſcountenanced and 'hindred the Teſtimony other Men would give to Us of their Affections: Wit-'neſs the ſtopping and keeping back the Bill of Subſidies granted by the Clergy 'almoſt a Year ſince, which though Our Perſonal Wants are ſo notoriouſly 'known, they will not to this time paſs: So not only forbearing to ſupply Us 'themſelves, but keeping the Love and Bounty of other Men from Us, and afford

'no

18 *Car.*

'no other Anſwers to all our Deſires, all our Reaſons (indeed not to be anſwer-
'ed) then, That We muſt not make our Underſtanding or Reaſon the Rule of
'our Government, but ſuffer our Self to be aſſiſted (which We never denied)
'by our great Council. We require no other Liberty to our Will, than the
'meaneſt of them do, (We wiſh they would always uſe that Liberty) not
'to conſent to any thing evidently contrary to our Conſcience and Underſtand-
'ing: And We have, and ſhall always give as much eſtimation and regard to
'the Advice and Counſel of both our Houſes of Parliament, as ever Prince
'hath done: But We ſhall never (and We hope our People will never) ac-
'count the Contrivance of a few (Factious Seditious Perſons, a Malignant Party,
'who would ſacrifice the Common-wealth to their own Fury and Ambition)
'the Wiſdom of Parliament: And that the juſtifying and defending ſuch Per-
'ſons, (of whom, and of their particular ſiniſter Ways to compaſs their own
'bad Ends, We ſhall ſhortly inform the World) is not the way to preſerve
'Parliaments, but is the oppoſing and preferring the Conſideration of a few un-
'worthy Perſons, before their Duty to their King, or their Care of the Kingdom.
'They would have Us remember that our Reſolutions do concern Kingdoms,
'and therefore not to be moulded by Our own Underſtanding: We well re-
'member it, but We would have them remember, That when their Conſulta-
'tions endeavour to leſſen the Office and Dignity of a King, they meddle with
'that which is not within their Determination, and of which We muſt give an
'account to God and Our other Kingdoms, and muſt maintain with the Sacrifice
'of our Life.

'Laſtly, That Declaration tells you of a preſent deſperate and malicious
'Plot of the Malignant Party now acting, under the plauſible Notions of
'ſtirring Men up to a care of preſerving the King's Prerogative, maintaining
'the Diſcipline of the Church, upholding and continuing the Reverence and
'Solemnity of God's Service, and encouraging Learning, (indeed plauſible and
'honourable Notions to act any thing upon) and that upon theſe Grounds di-
'vers mutinous Petitions have been framed in *London*, *Kent*, and other Places.
'Upon what Grounds would theſe Men have Petitions framed? Have ſo many
'Petitions (even againſt the Form and Conſtitution of the Kingdom, and the
'Laws eſtabliſhed) been joyfully received and accepted; and ſhall Petitions
'framed upon theſe Grounds be called *Mutinous*? Hath a multitude of mean,
'unknown, inconſiderable, contemptible Perſons, about the City and Sub-
'urbs of *London*, had liberty to petition againſt the Government of the
'Church, againſt the Book of Common-Prayer, againſt the Freedom and Pri-
'vileds of Parliament, and been thanked for it: And ſhall it be called *Mutiny* in
'the graveſt and beſt Citizens of *London*, in the Gentry and Commonalty of
'*Kent*, to frame Petitions upon theſe Grounds; and to deſire to be governed by
'the known Laws of the Land, not by Orders and Votes of either, or both
'Houſes? Can this be thought the Wiſdom and Juſtice of both Houſes of Par-
'liament? Is it not evidently the Work of a Faction, within or without both
'Houſes, who deceive the Truſt repoſed in them, and have now told Us what
'Mutiny is? To ſtir Men up to a Care of preſerving our Prerogative, maintain-
'ing the Diſcipline of the Church, upholding and continuing the Reverence and
'Solemnity of God's Service, encouraging of Learning, is *Mutiny*. Let Hea-
'ven and Earth, God and Man judg between Us and theſe Men. And how-
'ever ſuch Petitions are there called *Mutinous*, and the Petitioners Threatned,
'Diſcountenanced, Cenſured and Impriſoned: If they bring ſuch lawful Petiti-
'ons to Us, We will graciouſly receive them, and defend them and their Rights
'againſt what Power ſoever, with the uttermoſt hazard of our Being.

'We have been the longer (to our very great pain) in this Anſwer, that We
'might give the World Satisfaction, even in the moſt trivial Particulars which
'have been objected againſt Us, and that We may not be again reproached with
'any more prudent Omiſſions. If We have been compell'd to ſharper Lan-
'guage than We affect, let it be conſidered how vile, how inſufferable our Pro-
'vocations have been. And except to repel Force be to aſſault, and to give
'punctual and neceſſary Anſwer to rough and inſolent Demands, be to make
'Invectives. We are confident the World will accuſe Us of too much Mild-
'neſs, and all our good Subjects will think We are not well dealt with, and
'will judg of Us, and of their own Happineſs and Security in Us by our Acti-

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'ons; which We deſire may no longer proſper, or have a Bleſſing from God 'upon Them and Us, than they ſhall be directed to the Glory of God, in the 'maintenance of the true Proteſtant Profeſſion, to the Preſervation of the Pro-'perty and the Liberty of the Subject, in the Obſervation of the Laws, and to 'the Maintenance of the Rights and Freedom of Parliament, in the Allowance 'and Protection of all their juſt Priviledges.

The Right Honourable John *Earl of* Briſtol, *his Speech in Parliament*, May 20, 1642. *for an Accommodation.*

My Lords;

I Have ſpoken ſo often upon the Subject of *Accommodation*, with ſo little Acceptance and ſo ill Succeſs, that it was in my Intention not to have made any further Eſſay in this kind, but my Zeal to the Peace and Happineſs of this Kingdom, and my Apprehenſions of the near approaching of our unſpeakable Miſeries and Calamities, ſuffer me not to be Maſter of my own Reſolutions.

Certainly this Kingdom hath at all times many Advantages over the other Monarchies of *Europe:* As of Scituation, of Plenty, of rich Commodities, of Power both by Sea and Land: But more particularly at this Time, when all our neighbouring States are, by their ſeveral Intereſts, ſo involved in War, and with ſuch equality of Power, that there is not much likelihood of their maſtering one another, nor of having their Differences eaſily compounded. And thereby we being only admitted to all Trades, and to all Places, Wealth and Plenty, (which ever follow where Trade flouriſheth) are in a manner caſt upon us.

I ſhall not trouble your Lordſhips, by putting you in mind of the great and noble Undertakings of our Anceſtors: Nor ſhall I paſs higher than the Times within my own remembrance.

Queen *Elizabeth* was a Princeſs diſadvantaged by her Sex, by her Age, and chiefly by her want of Iſſue: Yet if we ſhall conſider the great Effects which were wrought upon moſt of the States of Chriſtendom by this Nation, under her prudent Government, (the Growth of the Monarchy of *Spain*, chiefly by her Impeached; the United Provinces by her Protected; the French in their greateſt Miſeries Relieved; moſt of the Princes of *Germany* kept in high Reſpect and Reverence towards Her and this Kingdom, and the Peace and Tranquility wherein this Kingdom flouriſhed, and which hath been continued down unto us by the peaceable Government of King *James* of bleſſed Memory, and of his now Majeſty, until theſe late unhappy Interruptions) we cannot but judg this Nation equally capable with any other, of Honour, Happineſs and Plenty.

Now, if inſtead of this happy Condition, on which we have been, and might be, upon a ſober and impartial Enquiry, we ſhall find our ſelves to have been for ſome few Years laſt paſt involved in ſo many Troubles and Diſtractions, and at the preſent to be reduced to the very Brink of Miſeries and Calamities. It is high time for us to conſider by what Means we have been brought into them, and by what Means it is moſt probable we may be brought out of them.

This Kingdom never enjoyed ſo univerſal a Peace, neither hath it any viſible Enemy in the whole World, either Infidel or Chriſtian. Our Enemies are only of our own Houſe, ſuch as our own Diſſentions, Jealouſies and Diſtractions have raiſed up: And certainly where they are found, (eſpecially betwixt a King and his People) no other Cauſe of the Unhappineſs and Miſery of a State need to be ſought after: For civil Diſcord is a plentiful Sourſe, from whence all Miſeries and Miſchiefs flow into a Kingdom.

The Scripture telleth us of the ſtrength of a little City United, and of the Inſtability of a Kingdom Divided within it ſelf: So that upon a prudent Enquiry, we may aſſign our own Jealouſies and Diſcords, for the chief Cauſe of our paſt and preſent Troubles, and of our future Fears. It muſt be confeſſed, that by the Counſel and Conduct of *Evil Miniſters*, the Subject had Cauſe to think their *juſt Liberties* invaded; and from thence have our former Diſtempers grown: For it is in the Body Politick of a Monarchy, as in the Natural Body, the Health whereof is defined to be, *Partium Corporis æqua Temperies*, an equal Temper of the Parts. So likewiſe, a State is well in Health and well diſpoſed, when Sovereign

vereign Power and Common Right are equally ballanced and kept in an even Temper by juſt and equitable Rules. 18 *Car.*

And truly (my Lords) by the Goodneſs of his Majeſty, and by the prudent Endeavour of the Parliament, this State is almoſt reduced to that equal and even Temper, and our Sickneſs is rather continued out of Fancy and Conceit, (I mean, Fears and Jealouſies) than out of any real Diſtemper or Defect.

I well remember, That before the beginning of this Parliament, ſome noble Lords preſented a Petition unto the King, and in that Petition did ſet down all or moſt of the Grievances and Diſtempers of the Kingdom which then occurred to them. To theſe (as I conceive) the Parliament have procured from his Majeſty ſuch Redreſſes as are to their good Satisfaction.

Many other things, for the Eaſe, Security and Comfort of the Subject, have been, by their great Induſtry, found and propounded, and by his Majeſty's Goodneſs condeſcended unto. And now we are come ſo near the Happineſs of being the moſt free and moſt ſettled Nation in the Chriſtian World; our Dangers and Miſeries will grow greater and nearer unto us every day than other, if they be not prevented.

The King on his part offereth to concur with us in the ſettling of all the Liberties and Immunities, either for the Property of our Goods, or Liberty of our Perſons, which we have received from our Anceſtors, or which himſelf hath granted unto us: And what ſhall yet remain for the Good and Comfort of his Subjects, he is willing to hearken to all our Juſt and Reaſonable Propoſitions: And for the eſtabliſhing of the true Proteſtant Religion, he woos us to it: And the Wiſdom and Induſtry of the Parliament, hath now put it in a hopeful way.

The Rule of his Government, he profeſſeth ſhall be, The Laws of the Kingdom; and for the comforting and ſecuring of us, he offereth a more large and more general Pardon than hath been granted by any of his Predeceſſors. And truly, my Lords, this is all that ever was or can be pretended unto by us.

We on the other ſide make Profeſſion, That we intend to make his Majeſty a Glorious King; to endeavour to ſupport his Dignity, and to pay unto him that Duty and Obedience, which by our Allegiance, ſeveral Oaths, and late Proteſtation we owe unto him, and to maintain all his juſt Regalities and Prerogatives, which I conceive to be as much as his Majeſty will expect from us.

So that, my Lords, we (being both thus reciprocally agreed, of that which in the General would make both the King and People happy) ſhall be moſt unfortunate, if we ſhall not bring both Inclinations and Indeavours, ſo to propound and ſettle Differences, as both King and People may know what will give them mutual Satisfaction, which certainly muſt be the firſt ſtep to the ſetling of a right Underſtanding betwixt them; and in this I ſhould not conceive any great Difficulty, if it were once put into a way of Preparation: But the greateſt Difficulty may ſeem to be, how that which may be ſettled and agreed upon may be *ſecured.* This is commonly the laſt Point in Treaties betwixt Princes, and of the greateſt *Niceneſs*: But much more betwixt a King and his Subjects, where that Confidence and Belief which ſhould be betwixt them is once loſt. And to ſpeak clearly, I fear, that this may be our Caſe. And herein may conſiſt the chiefeſt Difficulty of Accommodation; for it is much eaſier to compoſe Differences ariſing from Reaſon, yea even from *Wrongs*, that it is to ſatisfy *Jealouſies*, which ariſing out of Diffidence and Diſtruſt, grow and are varied upon every Occaſion.

But, my Lords, if there be no Endeavours to allay and remove them, they will every day encreaſe and gather ſtrength; nay, they are already grown to that height, and the mutual Replies to thoſe direct Terms of Oppoſition, that if we make not a preſent ſtop, it is to be feared it will ſpeedily paſs further than *verbal* Conteſtations.

I obſerve, in ſome of his Majeſty's Anſwers a *Civil War* ſpoken of: I confeſs it is a *Word of Horror* to me, who have been an Eye Witneſs of thoſe unexpreſſible Calamities, that in a ſhort time the moſt plentiful and flouriſhing Countries of *Europe* have been brought unto by an Inteſtine War.

I further obſerve, That his Majeſty proteſteth againſt the Miſeries that may enſue by a War, and that he is clear of them. It is true, that a Proteſtation of that kind is no actual denouncing of War, but it is the very next degree to it, *Ultima Admonitio*, as the Civilians term it, The laſt Admonition: So that we are

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upon the very Brink of our Miſeries; it is better keeping out of them, than getting out of them: And in a State, the Wiſdom of *Prevention* is infinitely beyond the Wiſdom of *Remedies*. If for the Sins of this Nation, theſe Miſunderſtandings ſhould produce the leaſt Act of Hoſtility, it is not almoſt to be believed, how impoſſible it were to put any ſtay to our Miſeries: For a Civil War admits of none of thoſe Conditions, or Quarter, by which Cruelty and Blood are amongſt other Enemies kept from Extremities; Nay, if it ſhould but ſo happen, (which God of his Goodneſs avert) that mutually Forces and Armies ſhould be raiſed, Jealouſies and Fears would be ſo much increaſed thereby, that any Accommodation would be rendred full of Difficulty and Length; and by the very Charge of maintaining them, (whilſt after a Ceſſation of Arms, and then a general Accommodation were in treating) the Wealth of the Kingdom would be conſumed.

And of this we had lately a coſtly Example; For in thoſe unhappy Troubles betwixt Us and *Scotland*, after there was a ſtop made to any further Acts of Hoſtility, and a deſire of Peace expreſſed on both Sides, Commiſſioners nominated, and all the Articles propounded, yet the keeping of the Armies together for our ſeveral Securities, (whilſt the Ceſſation at *Rippon*, and the Peace at *London* were in treating) coſt this Kingdom not much leſs than *a Million* of Pounds, And if two Armies be once on Foot here in *England*, either a ſudden Encounter muſt deſtroy one of them, or the keeping of them both on Foot, muſt deſtroy the Kingdom.

I hope therefore we ſhall make it our Endeavour, by Moderation and Calmneſs, yet to put a ſtay to our ſo near approaching Miſeries; and that we ſhall hearken to the wiſe Advice of our Brethren of *Scotland*, in their late Anſwer to the King and Parliament, wherein they earneſtly intreat us, 'That all Means 'may be forborn which may make the Breach *wider*, and the Wound *deeper*: 'and that no place be given to the Evil Spirit of Diviſion, which at ſuch times 'worketh unceſſantly, and reſteth not; but that the faireſt, the moſt Chriſtian 'and compendious Way may be taken, by ſo wiſe a King and Parliament, as may '(againſt all Malice and Oppoſition) make his Majeſty and his Poſterity more 'glorious, and his Kingdom more happy than ever. And in another place they ſay, 'That ſince the Parliament have thought meet to draw the Practice of the 'Parliament of *Scotland* into Example, in Point of Declaration: They are con'fident that the Affection of the Parliament will lead them alſo to the practice 'of that Kingdom, in compoſing the unhappy Differences betwixt his Majeſty 'and them, and (ſo far as may conſiſt with their Religion, Liberties and Laws) 'in giving his Majeſty all Satisfaction, eſpecially in their tender Care of his Royal 'Perſon, and of his Princely Greatneſs and Authority.

Certainly, my Lords, this is Wiſe and Brotherly Advice; and I doubt not but we are all deſirous to follow it. We muſt not then ſtill dwell upon Generals, (for Generals produce nothing) but we muſt put this Buſineſs into a certain way, whereby Particulars may be deſcended unto: And the Way I ſhall offer with all Humility is, That there may be a ſelect Committee of choice Perſons of both Houſes, who may, in the firſt place, truly ſtate and ſet down all things in Difference betwixt the King and the Subject, with the moſt probable Ways of reconciling them. Secondly, To deſcend into Particulars, which may be expected by each from other, either in Point of our ſupporting of him, or his relieving of us. And laſtly, How all theſe Conditions, being agreed upon, may be ſo ſecured, as may ſtand with the Honour of his Majeſty, and the Satisfaction of the Subject.

When ſuch a Committee ſhall have drawn up the Heads of the Propoſitions, and the Way of ſecuring them, they may be preſented unto the *Houſes*, and ſo offered unto his Majeſty, by ſuch a Way as the Parliament ſhall judg moſt probable to produce an Accommodation.

My Lords, what I have yet ſaid unto you, hath been chiefly grounded upon the Apprehenſions and Fears of our future Dangers. I ſhall ſay ſomething of the unhappineſs of our preſent Eſtate, which certainly ſtandeth in as much need of Relief and Remedy, as our Fears do of Prevention; For although the King and People were fully United, and that all Men that now draw ſeveral Ways, ſhould unanimouſly ſet their Hand to the Work, yet they would find it no eaſy Task to reſtore this Kingdom to a proſperous and comfortable Condition: If we take

take into our Conſideration the deplorable Eſtate of *Ireland*, likely to drain this Kingdom of Men and Treaſure: If we conſider the Debts and Neceſſity of the Crown, the Ingagements of the Kingdom, the great and unuſual Contributions of the People; the which, although they may not be ſo much to their Diſcontent, (for that they have been legally raiſed) yet the Burthen hath not been much eaſed. Let us likewiſe conſider the Diſtractions (I may almoſt call them Confuſions) in Point of Religion, (which of all other Diſtempers, are moſt dangerous and deſtructive to the Peace of a State.) 18 *Car.*

Beſides theſe Publick Calamities, let every particular Man conſider the diſtracted and diſcomfortable Eſtate of his own Condition. For mine own part, I muſt ingenuouſly profeſs unto your Lordſhips, That I cannot find out, under the different Command of the King and Parliament, any ſuch courſe of Caution and Warineſs, by which I can promiſe to my ſelf Security or Safety. I could give your Lordſhips many Inſtances of the Inconſiſtency and Impoſſibility of obeying theſe Commands; but I ſhall trouble only you with one or two.

The Ordinance of Parliament (now in ſo great agitation) commands all Perſons in Authoriry to put it in Execution, and all others to obey it, according to the Fundamental Laws of the Land. The King declareth it to be contrary to the Fundamental Laws, againſt the Liberty of the Subject, and Rights of Parliament; and commandeth all his Subjects, of what Degree ſoever, upon their *Allegiance*, not to obey the ſaid Ordinance, as they will anſwer the contrary at their Perils.

So likewiſe in point of the King's commanding the Attendance of divers of Us upon his Perſon, whereunto we are obliged by ſeveral Relations of our Services and Oaths: In caſe we comply not with his Commands, we are liable to his Diſpleaſure, and the loſs of thoſe Places of Honour and Truſt which we hold under him. If we obey his Commands, without the leave of the Parliament, (which hath not been always granted) we are liable to the Cenſure of Parliament: And of both theſe we want not freſh Examples; ſo that certainly this cannot but be acknowledged to be an unhappy and uncomfortable Condition. I am ſure I bring with me a ready and obedient Heart, to pay unto the King all thoſe Duties of Loyalty, Allegiance and Obedience which I owe unto him; I ſhall never be wanting towards the Parliament, to pay unto it all thoſe due Rights, and that Obedience which we all owe unto it: But in contrary Commands, a conformity of Obedience to both, is hardly to be lighted on. The Reconciliation muſt be in the Commanders and the Commands, and not in the Obedience, or the Perſon that is to obey. And therefore until it ſhall pleaſe God to bleſs us with a right Underſtanding between the King and Parliament, and a Conformity in their Commands, neither the Kingdom in Publick, nor particular Men in Private, can be reduced to a ſafe or comfortable Condition.

I have ſaid thus much, to give occaſion to others to offer likewiſe their Opinions; for if we ſhould ſit ſtill, and nothing tending to the ſtay of the unhappy miſunderſtanding betwixt the King and his People be propounded, it is to be feared, that our Miſeries will haſten ſo faſt upon us, that the Seaſon and Opportunity of applying Remedies may be paſt.

I have herein diſcharged my Conſcience, ſuitable to that Duty which I owe to the King my Sovereign and Maſter, and ſuitable to that Zeal and Affection which I ſhall ever pay to the Happineſs and Proſperity of the Kingdom, towards which I ſhall ever faithfully contribute my humble Prayers and honeſt Endeavours. And I ſhall no way doubt, whatſoever Succeſs this my Propoſition may have, it will be accompanied with the good Wiſhes of your Lordſhips, and of all peaceable and well-minded Men.

Die Veneris 20 *Maii* 1642.

Reſolved upon the Queſtion,

1. THat it appears, *That the King, ſeduced* by wicked Counſel, *intends to make War againſt the Parliament:* Who in all their Conſultations and Actions, have propoſed no other End unto themſelves, but the Care of his Kingdoms, and the Performance of all Duty and Loyalty to his Perſon. The Commons Vote, That the King intends to make War againſt the Parliament.

Reſolved,

An. 1642.

Reſolved, &c. 2. That whenſoever the King maketh War upon the Parliament, it is *a Breach of the Truſt* repoſed in him by his People, contrary to his Oath, and tending to the Diſſolution of this Government.

Reſolved, &c. 3. That whoſoever ſhall ſerve or *aſſiſt him in ſuch Wars*, are *Traitors* by the Fundamental Laws of this Kingdom; and have been ſo adjudged by two Acts of Parliament, and ought to ſuffer as Traitors; 11 *Rich.* 2. 1 *Hen.* 4.

John Browne, Cler. *Parliament.*

By the KING.

A Proclamation of Peace with Portugal, *May* 22, 1642.

'WHereas the High and Mighty Prince, *John* the Fourth King of *Portugal*, 'hath lately ſent his Embaſſadors to the King's moſt Excellent Majeſty, 'declaring his deſire to renew the ancient Confederation and Amity between their 'Royal Predeceſſors Crowns and Subjects; His Majeſty out of his Royal Care of 'the Peace and Tranquillity of his Kingdoms, and the freedom of Trade and 'Commerce of his loving Subjects, by the Advice of his Privy Council, hath 'been pleaſed to yield thereunto: And doth make know to his loving People, 'that the ſaid Peace and Confederation, is Concluded and Eſtabliſhed between 'the ſaid Kings, their Crowns, Kingdoms, Territories and Subjects. And the 'King's moſt Excellent Majeſty, for the Direction of his Merchants in their 'Trade and Commerce, hath given Command, that the Articles of this Trea-'ty of Peace, ſhall be publiſhed, ſtraitly charging and commanding all his Sub-'jects, of whatſoever Degree and Eſtate, to obſerve the ſame.

'Given at the Court at *York*, the two and twentieth day of *May*, in the 'eighteenth Year of his Majeſty's Reign, 1642.

God ſave the KING.

The Great Seal carried away to *York*, *May* 22. by Mr. *Elliot.*

[At this time the Great Seal of *England* was carried away from *London* to *York*, *Edward* Lord *Littleton*, on whom the King, after the Lord *Finch*'s retiring out of *England*, had beſtowed the keeping thereof (he being before Lord Chief Juſtice of the *Common-Pleas*, and created a Baron of the Realm) had hitherto continued with the Parliament: And as generally he concurr'd with them, ſo particularly he gave his Vote for ſettling *the Militia by Ordinance of Parliament.* But now Mr. *Tho. Eliot*, a young Gentleman, Groom of the Privy-Chamber to the King, being privately ſent to him from *York*, and admitted by the Lord-Keeper to a ſecret Conference, he uſed ſuch Arguments, as prevailed with him to deliver up the Great Seal; with which the ſaid Mr. *Elliot* rode away Poſt to the King at *York*.

In his paſſage towards *York*, the Author of theſe *Collections* met Mr. *Elliot* at *Witham*, a Poſt Stage between *Grantham* and *Stamford*, who with a fall off his Horſe had hurt his Shoulder; and ſeeing the Author, his old Acquaintance, demanded what News? (thinking he had been ſent after him by the Parliament to recover the Great Seal) To which he replied to Mr. *Elliot*, (not imagining he had then with him the Great Seal) That he came from *York*, and that the King was well; and that he was going with Letters from the Committee of Parliament at *York*, to both Houſes, wherein ſome Anſwers from the King was incloſed to the Parliament. To which Mr. *Elliot* replied, It was fit the Author ſhould make haſte; and therefore, ſaid he, take my Horſes which are ready. Sadled, (fearing leſt the Author ſhould raiſe the Country againſt him); ſo we parted at that time, *not ſuſpecting one another.*

Mr. *Elliot* did ſuſpect the Author.

The Lord Keeper conſidering what he had done, and apprehending his Danger from the Parliament, for parting thus with the Seal, did early the next Morning ride away after it himſelf, and went to the King.

This was look'd upon at Court as a very conſiderable Service in Mr. *Elliot*, as appears by the following Letter from the ſaid Mr. *Elliot* to the Lord *Digby*, ſoon after intercepted.]

Mr

18 Car.

* *Mr.* Elliot's *Letter to the Lord* Digby, May 27, 1642, *intercepted.*

My Lord;

YOu have ever been ſo willing to oblige, that I cannot deſpair of your Favour in a Buſineſs wherein I am much concerned; the King was pleaſed to *imploy me to* London *to my Lord Keeper for the Seals*; which, tho after two hours Conſideration he refuſed, yet being reſolved not to be denied, my Importunity at laſt prevailed; which Service the King hath declared was ſo great, that he hath promiſed a Reward equal to it. It may be the King expects I ſhould move him for ſome place, which I ſhall not do, being reſolved never to have any but by the Queen, being already ſo infinitely obliged to her for her Favours, that I confeſs I would owe my Being only to her; nor ſhall I ever value that Life I hold but as a Debt which I ſhall ever pay to her Commands. The Favour which I deſire from your Lordſhip is, that you will ingage the Queen to write to the King that he would make me a Groom of his Bed-Chamber; which ſince I know 'tis ſo abſolutely in her power to do, I ſhall never think of another way: for which Favour, neither her Majeſty, nor your Lordſhip, ſhall ever find a more real Servant. For our Affairs they are now in ſo good a condition, that if we are not undone by hearkening to an Accommodation, there is nothing elſe can hurt us, which I fear the King is too much inclined to; but I hope what he ſhall receive from the Queen will make him ſo reſolved, That nothing but a Satisfaction equal to the Injuries he hath received, will make him quit the Advantage he now hath. Which I do not doubt will be the means of bringing your Lordſhip quickly hither, where you ſhall find none more ready to obey your Commands,

Than your moſt faithful and humble Servant,

York, May 27. *Tho. Elliot.*

To the King's moſt Excellent Majeſty,

The Humble Petition of the Lords and Commons aſſembled in Parliament, May 23, 1642.

The Parliament's Petition to the King to disband his Guard.

YOur Majeſty's Loyal Subjects, the Lords and Commons in this Parliament, do humbly repreſent unto your Majeſty, That notwithſtanding your frequent Profeſſions to your Parliament and the Kingdom, and the late Expreſſion in your Anſwer of the 13*th* of *May*, to the Petition of the County of *York*, that your Deſire and Intention is only the preſerving the true Proteſtant Profeſſion, the Laws of the Land, the Liberty of your People, and the Peace of the Kingdom: Nevertheleſs, with great Grief, we perceive by your Speech of the 12*th* of *May*, and the Paper printed in your Majeſty's Name, in the form of a Proclamation, bearing Date the 14*th* of *May*, and other Evidences, that under colour of raiſing a *Guard* to ſecure your Perſon, of which Guard (conſidering the Fidelity and Care of your Parliament) there can be no uſe, your Majeſty doth command Troops, both of Horſe and Foot to aſſemble at *York*, the very beginnings whereof were apprehended by the Inhabitants of that County to be an Affrightment and Diſturbance of your Majeſty's Liege People, as appears by their Petition preſented to your Majeſty, the continuing and increaſe of which Forces is to your Parliament, and muſt needs be a juſt cauſe of great Jealouſy, and of Danger to your whole Kingdom.

Therefore we do humbly beſeech your Majeſty to disband all ſuch Forces, as by your Command are aſſembled, and relying for your Security (as your Predeceſſors have done) upon the Laws and the Affections of your People, you will be pleaſed to deſiſt from any farther Deſigns of this nature, contenting your ſelf with your uſual and ordinary Guards; otherwiſe we ſhall hold our ſelves bound in Duty towards God, and the Truſt repoſed in us by the People, and the Fundamental Laws and Conſtitutions of this Kingdom, to employ our Care and utmoſt Power to ſecure the Parliament, and preſerve the Peace and Quiet of the Kingdom.

His

An. 1642

The King's Anſwer.

His Majeſty's Anſwer.

'WE cannot but extteamly wonder that the cauſleſs Jealouſies concerning 'Us, raiſed and fomented by a Malignant Party in this Kingdom, which 'deſires nothing more than to ſnatch to themſelves particular Advantages out 'of a general Combuſtion (which means of Advantage ſhall never be admi-'niſtred to them by Our fault or ſeeking) ſhould not only be able to ſeduce a 'weak Party in this Our Kingdom, but ſeem to find ſo much countenance even 'from both Houſes, as that Our *raiſing of a Guard* (without farther Deſign than the 'Safety of Our Perſon) an Action ſo legal, in manner ſo peaceable, upon 'Cauſes ſo evident and neceſſary, ſhould not only be look'd upon and petition'd 'againſt by them as a cauſe of Jealouſy, but declared to be the raiſing of a 'War againſt them, conrrary to Our former Profeſſions of Our Care, and 'Religion, and Law: and We no leſs wonder that this Action of Ours ſhall 'be ſaid (in a very large Expreſſion) to be apprehended by the Inhabitants of 'this County, as an Affrightment and Diſturbance to Our People, having 'been as well received here as it it every-where to be juſtified; and (We ſpeak 'now of the General, not of a few ſeduced Particulars) aſſiſted by this Coun-'try with that Loyal Affection and Alacrity, as is a moſt excellent Example ſet 'to the reſt of the Kingdom, of the Care of Our Safety upon all occaſions, and 'ſhall never be forgotten by Us, nor (We hope) by Our Poſterity, but ſhall 'ever be paid to them in that which is the proper Expreſſion of a Prince's 'Gratitude, a perpetual and vigilant Care to govern them juſtly, and to pre-'ſerve the only Rule by which they can be ſo governed, the Law of the Land; 'and We are confident, that if you were your ſelves Eye-witneſſes, you would 'ſo ſee the contrary, as to give little preſent Thanks, and hereafter little Credit 'to your Informers; and if you have no better Intelligence of the Inclinations 'and Affections of the reſt of the Kingdom, certainly the Minds of Our 'People (which to ſome Ends and Purpoſes you repreſent) are but ill repre-'ſented unto you.

'Have you ſo many Months together not contented your ſelves to rely for 'Security (as your Predeceſſors have done) upon the Affection of the People, 'but by your own ſingle Authority raiſed to your ſelves a Guard (and that 'ſometimes of no ordinary Numbers, and in no ordinary way) and could not 'all thoſe Pikes and Proteſtations, that Army on one ſide, and that Navy on 'the other, perſwade Us to command you to disband your Forces, and to con-'tent your ſelves with your ordinary (that is no) Guard, or work Us in an 'Opinion, that you appeared to levy War againſt Us, or had any farther De-'ſign? And is it poſſible, that the ſame Perſons ſhould be ſo apt to ſuſpect and 'condemn Us, who have been ſo unapt in the ſame matter (upon much more 'ground) to tax or ſuſpect them? This is Our Caſe, notwithſtanding the Care 'and Fidelity of Our Parliament, Our Fort is kept by armed Men againſt Us, 'Our proper Goods firſt detained from Us; and then contrary to Our Com-'mand, by ſtrong hand, offered to be carried away (in which at once all Our 'Property, as a private Perſon, all Our Authority as a King, are wreſted from 'Us) and yet for Us to ſecure Our Self in a legal way, that Sir *John Hotham* 'may not by the ſame Forces, or by more raiſed by pretence of the ſame Au-'thority (for they ſay he raiſes daily ſome, and We know it is no new thing 'for him to pretend Orders that he cannot ſhew) continue the War that he hath 'levied againſt Us, and as well impriſon Our Perſon, as detain Our Goods, 'and as well ſhut Us up in *York*, as ſhut Us out of *Hull*, is ſaid to be eſteemed 'a Cauſe of great Jealouſy to the Parliament a raiſing of War againſt them, 'and of Danger to the whole Kingdom. While theſe Injuſtices and Indigni-'ties offered to Us are countenanced by them, who ought to be moſt forward 'in Our Vindication, and their Puniſhment in obſervation of their Oaths, and 'of the Truſt repoſed in them by the People, and to avoid the Diſſolution of 'the preſent Government. Upon which caſe the whole World is to judg, 'whether We had not reaſon, not wholly to rely upon the Care and Fidelity 'of Our Parliament, being ſo ſtrangely blinded by malignant Spirits, as not to 'perceive Our Injuries, but to take ſome Care of Our own Perſon, and in order 'to that, to make uſe of that Authority which the Law declares to be in Us:

'And

18 Car.

'And whether this Petition with ſuch a threatning Concluſion, accompanied 'with more threatning Votes, give Us not cauſe rather to increaſe than diminiſh Our Guards; eſpecially ſince We ſaw before the Petition a printed Paper 'dated the 17th of *May*, underwritten *Hen. Elſing, Cler. Dom. Com.* commanding (in the Name of both Lords and Commons) the Sheriffs of all Our 'Counties, to raiſe the Power of all thoſe Our Counties to ſuppreſs ſuch of 'Our Subjects as by any of Our Commands ſhall be drawn together, and put '(as that Paper calls it) in a Poſture of War, charging Our Officers and Subjects to aſſiſt them in the performance thereof at their Perils. For tho We 'cannot ſuſpect that this Paper (or any bare Votes, not grounded upon Law 'or Reaſon, or Quotations of repealed Statutes) ſhould have any ill Influence 'upon Our good People, who know their Duties too well, not to know that 'to take up Arms againſt thoſe (who, upon a legal Command, that is, Ours, 'come together to a moſt legal end, that is, Our Security and Preſervation) 'were to levy War againſt Us, and who appear in this County (and We are 'confident they are ſo throughout the Kingdom) no leſs ſatisfied with the 'Legality, Conveniency and Neceſſity of theſe Our Guards, and no leſs ſenſible of the Indignities and Dangers (which make them neceſſary) than We are 'Our Self; yet if that Paper be really the Act of both Houſes, We cannot 'look upon it but as the higheſt of Scorns and Indignities. Firſt, to iſſue 'Commands of Force againſt Us; and after thoſe have appeared uſeleſs, to 'offer by Petition to perſwade Us to that, which that Force ſhould have 'effected.

'We conclude this Anſwer to your Petition with Our Counſel to you; That 'you joyn with Us in exacting Satisfaction for that unparallell'd, and yet unpuniſhed Action of Sir *John Hotham*'s; and that you command our Fort and 'Goods to be returned to Our own hands, that you lay down all Pretences '(under pretence of neceſſity, or declaring what is Law) to make Laws without Us, and by conſequence, but a Cypher of Us; that you declare effectually 'againſt Tumults, and call in ſuch Pamphlets (puniſhing the Authors and Publiſhers of them) as ſeditiouſly endeavour to diſable Us from protecting Our 'People, by weakning, by falſe Aſperſions, and new falſe Doctrines, Our 'Authority with them, and their Confidence in Us. The Particulars of which 'Tumults and Pamphlets We would long ſince have taken care, that Our 'Learned Counſel ſhould have been enabled to give in Evidence, if upon 'Our former Offer, We had received any return of Encouragement from you 'in it. And if you do this, you then (and hardly till then) will perſwade 'the World that you have diſcharged your Duty to God, the Truſt repoſed 'in you by the People, and the Fundamental Laws and Conſtitutions of the 'Kingdom, and employed your Care and utmoſt Power to ſecure the Parliament (for We are ſtill a part of the Parliament, and ſhall be till this well-'founded Monarchy be turned to a Democracy) and to preſerve the Peace 'and Quiet of the Kingdom, which together with the Defence of the Proteſtant Profeſſion, the Laws of the Land, and Our own juſt Prerogative (as a 'part of, and a Defence to thoſe Laws) have been the main end which in Our 'Conſultations and Actions We propoſed to Our Self.

Die Sabbati 28 Maii, 1642.

An Order of both Houſes againſt the King's Guard.

WHereas it appeareth, That the King, ſeduced by wicked Counſel, intends to make War againſt the Parliament, and under the colour *of a Guard* to ſecure his Royal Perſon, doth command Troops both of Horſe and Foot, to aſſemble at *York*, all which is againſt the Laws of the Kingdom, tending to the Diſſolution of the Parliament, and Deſtruction of the People: It is therefore ordered by the Lords and Commons in Parliament, That the Sheriff of the County of *Lancaſter*, and all other Sheriffs of the Kingdom of *England*, and Dominion of *Wales*, ſhall, by the Power of that County, and of their ſeveral Counties reſpectively, ſuppreſs the raiſing and coming together of any Souldiers, Horſe or Foot, by any Warrant, Commiſſion or Order from his Majeſty without the Advice and Conſent of the Lords and Commons in Parliament; and that all Perſons whatſoever do forbear to execute any ſuch Commiſſion, or Warrant, for levying Souldiers,

An. 1642.

or gathering them together, without conſent of Parliament. And thoſe who ſhall execute or obey any ſuch Commiſſion or Warrant, are hereby declared to be Diſturbers of the Kingdom: And the Lord-Lieutenant of the County of *Lancaſter*, and all Lord-Lieutenants of all other Counties in the Kingdom of *England*, or Dominion of *Wales* reſpectively; as likewiſe all Deputy-Lieutenants, Captains and Officers of the Trained-Bands; and all Mayors, Juſtices of the Peace, and other his Majeſty's loving Subjects, are hereby commanded and required to be aiding and aſſiſting to the ſaid Sheriff of the County of *Lancaſter*, and to the other Sheriffs of the other Counties of this Kingdom, and of the Dominion of *Wales*. And that his Majeſty's loving Subjects may the better underſtand what the Law and their own Duty is in this behalf, the ſaid Sheriff of *Lancaſter*, and other Sheriffs of the other Counties of this Kingdom reſpectively, ſhall cauſe this preſent Order forthwith to be publiſhed in the ſeveral Market-Towns within their ſaid Counties.

An Order to all High-Sheriffs, Juſtices of the Peace, and other Officers within 150 *Miles of the City of* York.

An Order to make ſtay of Arms going to *York*, *May* 27. 1642.

WHereas it appears to the Lords and Commons, that the King, ſeduced by wicked Counſel, intends to make War upon his Parliament, It is therefore Ordered by the Lords and Commons, that the High-Sheriffs and Juſtices of the Peace, and other Officers within the ſame Counties, Cities and Towns-Corporate, ſcituate within 150 Miles of the City of *York*, ſhall forthwith take ſpecial care for to *make ſtay of all Arms* and Ammunition carrying towards *York*, until they have given notice thereof unto the Lords and Commons, and ſhall have received their farther Direction. And for the better effecting hereof, the ſaid High-Sheriff, Juſtices of Peace and other Officers, are further to take ſpecial care, that ſtrict Watches be kept within their ſeveral Limits and Juriſdictions, for the ſearching for, and ſeizing all ſuch Arms and Ammunition; as likewiſe for the apprehending all Perſons going with the ſame.

The humble Petition and Advice of both Houſes of Parliament, with Nineteen Propoſitions ſent unto his Majeſty the 2*d of* June 1642.

YOur Majeſty's moſt Humble and Faithful Subjects, the Lords and Commons in Parliament, having nothing in their Thoughts and Deſires more precious, and of higher eſteem, (next to the Honour and immediate Service of God) than the juſt and faithful Performance of their Duty to your Majeſty and this Kingdom. And being very ſenſible of the great Diſtractions and Diſtempers, and of the imminent Dangers and Calamities which thoſe Diſtractions and Diſtempers are like to bring upon your Majeſty and your Subjects; all which have proceeded from the ſubtile Informations, miſchievous Practices and evil Counſels, of Men diſaffected to God's True Religion, your Majeſty's Honour and Safety, and the publick Peace and Proſperity of your People; after a ſerious Obſervation of the Cauſe of thoſe Miſchiefs, do in all Humility and Sincerity, preſent to your Majeſty their moſt dutiful Petition and Advice, That out of your Princely Wiſdom, for the eſtabliſhing your own Honour and Safety, and gracious Tenderneſs of the Welfare and Security of your Subjects and Dominions, you will be pleaſed to grant and accept theſe their humble Deſires and Propoſitions, as the moſt neceſſary effectual Means, through God's Bleſſing, of removing thoſe Jealouſies and Differences which have unhappily fallen betwixt you and your People, and procuring both your Majeſty and them a conſtant courſe of Honour, Peace and Happineſs.

The Nineteen Propoſitions.

1. THat the Lords, and others of your Majeſty's Privy Council, and ſuch great Officers and Miniſters of State, either at Home or beyond the Seas, may be put from your Privy Council, and from thoſe Offices and Employments, excepting

cepting ſuch as ſhall be approved of by both Houſes Parliament; and that the Perſons put into the Places and Employment of thoſe that are removed, may be approved of by both Houſes of Parliament; and that the Privy Counſellors ſhall take an Oath for the due Execution of their Places, in ſuch Form as ſhall be agreed upon by both Houſes of Parliament. 18 *Car.*

2. That the great Affairs of the Kingdom may not be concluded or tranſacted by the Advice of private Men, or by any unknown or unſworn Counſellors, but that ſuch Matters as concern the Publick, and are proper for the High Court of Parliament, which is your Majeſty's Great and Supream Council, may be Debated, Reſolved and Tranſacted only in Parliament, and not elſewhere; and ſuch as ſhall preſume to do any thing to the contrary, ſhall be reſerved to the Cenſure and Judgment of Parliament: And ſuch other Matters of State as are proper for your Majeſty's Privy Council, ſhall be debated and concluded by ſuch of the Nobility and others, as ſhall from time be choſen for that Place, by Approbation of both Houſes of Parliament: And that no publick Act concerning the Affairs of the Kingdom, which are proper for your Privy Council, may be eſteemed of any Validity, as proceeding from the Royal Authority, unleſs it be done by the Advice and Conſent of the major part of your Council, atteſted under their Hands: And that your Council may be limited to a certain Number, not exceeding Five and twenty, nor under Fifteen. And if any Counſellor's Place happen to be void in the Interval of Parliament, it ſhall not be ſupplied without the Aſſent of the major part of the Council; which Choice ſhall be confirmed at the next ſitting of Parliament, or elſe to be void.

3. That the Lord High Steward of *England*, Lord High Conſtable, Lord Chancellor, or Lord Keeper of the Great Seal, Lord Treaſurer, Lord Privy Seal, Earl Marſhal, Lord Admiral, Warden of the Cinque Ports, chief Governour of *Ireland*, Chancellor of the Exchequer, Maſter of the Wards, Secretaries of State, two Chief Juſtices and Chief Baron, may always be choſen with the Approbation of both Houſes of Parliament; and in the Intervals of Parliament, by Aſſent of the major part of the Council, in ſuch manner as is before expreſs'd in the choice of Counſellors.

4. That he, or they unto whom the Government and Education of the King's Children ſhall be committed, ſhall be approved of by both Houſes of Parliament; and in the Intervals of Parliament, by the Aſſent of the major part of the Council, in ſuch manner as is before expreſs'd in the choice of Counſellors; and that all ſuch Servants as are now about them, againſt whom both Houſes ſhall have any juſt Exceptions, ſhall be removed.

5. That no Marriage ſhall be Concluded, or Treated for any of the King's Children, with any Foreign Prince, or other Perſon whatſoever, Abroad or at Home, without the Conſent of Parliament, under the Penalty of a Premunire, upon ſuch as ſhall conclude, or treat of any Marriage as aforeſaid; and that the ſaid Penalty ſhall not be pardoned or diſpenſed with, but by the Conſent of both Houſes of Parliament.

6. That the Laws in Force againſt Jeſuits, Prieſts and Popiſh Recuſants be ſtrictly put in Execution, without any Toleration or Diſpenſation to the contrary; and that ſome more effectual Courſe may be enacted, by Authority of Parliament, to diſable them from making any Diſturbance in the State; or eluding the Law by Truſts, or otherwiſe.

7. That the Votes of Popiſh Lords in the Houſe of Peers may be taken away, ſo long as they continue Papiſts: And that your Majeſty will Conſent to ſuch a Bill as ſhall be drawn for the Education of the Children of Papiſts by Proteſtants in the Proteſtant Religion.

8. That your Majeſty will be pleaſed to conſent, that ſuch a Reformation be made of the Church-Government and Liturgy, as both Houſes of Parliament ſhall Adviſe; wherein they intend to have Conſultations with Divines, as is expreſſed in their Declaration to that purpoſe; and that your Majeſty will contribute your beſt Aſſiſtance to them, for the raiſing of a ſufficient Maintenance for Preaching-Miniſters thorow the Kingdom; and that your Majeſty will be pleaſed to give your Conſent to Laws, for the taking away of Innovations and Superſtition, and of Pluralities, and againſt ſcandalous Miniſters.

9. That your Majeſty will be pleaſed to reſt ſatisfied with that Courſe that the Lords and Commons have appointed for ordering of the Militia, until the ſame

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ſhall be farther ſettled by a Bill: And that your Majeſty will recal your Declarations and Proclamations againſt the Ordinance made by the Lords and Commons concerning it.

10. That ſuch Members of either Houſe of Parliament, as have, during the preſent Parliament, been put out of any Place and Office, may either be reſtored to that Place and Office, or otherwiſe have Satisfaction for the ſame, upon the Petition of that Houſe whereof he or they are Members.

11. That all Privy Counſellors and Judges may take an Oath, the Form whereof to be agreed on, and ſettled by Act of Parliament, for the maintaining of the Petition of Right, and of certain Statutes made by the Parliament, which ſhall be mentioned by both Houſes of Parliament: And that an Enquiry of all the Breaches and Violations of thoſe Laws may be given in Charge by the Juſtices of the King's Bench every Term, and by the Judges of Aſſize in their Circuits, and Juſtices of the Peace at the Seſſions, to be preſented and puniſhed according to Law.

12. That all the Judges, and all the Officers placed by Approbation of both Houſes of Parliament, may hold their Places *quamdiu bene ſe geſſerint.*

13. That the Juſtice of Parliament may paſs upon all Delinquents, whether they be within the Kingdom, or fled out of it; and that all Perſons cited by either Houſe of Parliament, may appear and abide the Cenſure of Parliament.

14. That the General Pardon offered by your Majeſty may be granted, with ſuch Exceptions as ſhall be adviſed by both Houſes of Parliament.

15. That the Forts and Caſtles of this Kingdom may be put under the Command and Cuſtody of ſuch Perſons as your Majeſty ſhall appoint, with the Approbation of your Parliament; and in the Intervals of Parliament, with Approbation of the major part of the Council, in ſuch manner as is before expreſs'd in the Choice of Counſellors.

16. That the Extraordinary Guards, and Military Forces now attending your Majeſty, may be removed and diſcharged; and that for the future you will raiſe no ſuch Guards or extraordinary Forces, but according to the Law, in caſe of actual Rebellion or Invaſion.

17. That your Majeſty will be pleaſed to enter into a more ſtrict Alliance with the States of the *United Provinces*, and other Neighbour-Princes and States of the Proteſtant Religion, for the Defence and Maintenance thereof, againſt all Deſigns and Attempts of the Pope and his Adherents to ſubvert and ſuppreſs it; whereby your Majeſty will obtain a great acceſs of Strength and Reputation, and your Subjects be much encouraged and enabled, in a Parliamentary way, for your Aid and Aſſiſtance, in reſtoring your Royal Siſter and her Princely Iſſue, to thoſe Dignities and Dominions which belong unto them, and relieving the other Proteſtant Princes who have ſuffered in the ſame Cauſe.

18. That your Majeſty will be pleaſed, by Act of Parliament, to clear the Lord *Kimbolton*, and the five Members of the Houſe of Commons, in ſuch manner, that future Parliaments may be ſecured from the Conſequence of that evil Precedent.

19. That your Majeſty will be graciouſly pleaſed to paſs a Bill for reſtraining Peers made hereafter, from Sitting or Voting in Parliament, unleſs they be admitted thereunto with the Conſent of both Houſes of Parliament.

And theſe our humble Deſires being granted by your Majeſty, we ſhall forthwith apply our ſelves to regulate your preſent Revenue, in ſuch ſort as may be for your beſt Advantage; and likewiſe to ſettle ſuch an ordinary and conſtant increaſe of it, as ſhall be ſufficient to ſupport your Royal Dignity in Honour and Plenty, beyond the Proportion of any former Grants of the Subjects of this Kingdom to your Majeſty's Royal Predeceſſors. We ſhall likewiſe put the Town of *Hull* into ſuch Hands as your Majeſty ſhall appoint, with the Conſent and Approbation of Parliament, and deliver up a juſt Accompt of all the Magazine, and chearfully employ the uttermoſt of our Power and Endeavours in the real expreſſion and performance of our moſt Dutiful and Loyal Affections, to the preſerving and maintaining the Royal Honour, Greatneſs and Safety of your Majeſty and your Poſterity.

H. Elſing, Cler. Parl. Dom. Com.

His

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His Majeſty's Anſwer to the Nineteen Propoſitions of both Houſes of Parliament, tending towards a Peace.

'BEfore We ſhall give you our Anſwer to your Petition and Propoſitions, 'We ſhall tell you, That we are now clearly ſatisfied, why the Method 'which We traced out to you by our Meſſage of the 20th of *January*, and have 'ſince ſo often preſſed upon you, as the proper Way to compoſe the Diſtracti-'ons of this Kingdom, and render it truly Happy, hath been hitherto declined, and 'is at length not thought fit to be looked upon. We now ſee plainly (and deſire 'that you, and all other our good Subjects ſhould do ſo too) that the Cabaliſts 'of this Buſineſs have with great Prudence reſerved themſelves, until due Pre-'parations ſhould be made for their Deſign.

'If they had unſeaſonably vented ſuch Propoſitions, as the Wiſdom and Mo-'deſty of your Predeceſſors never thought fit to offer to any of our Progenitors; 'nor We in Honour, or regard to our Regal Authority, (which God hath in-'truſted Us with for the Good of our People) could receive without juſt Indigna-'tion (and ſuch many of your preſent Propoſitions are) their Hopes would 'ſoon have been blaſted, and thoſe Perſons to whom Offices, Honours, Power 'and Commands were deſigned, by ſuch ill-timing of their Buſineſs, would have 'failed of their Expectation, not without a Brand upon the Attempt. There-'fore, before any thing of this Nature ſhould appear, they have (certainly with 'great Wiſdom in the Conduct of it) thought fit to remove a troubleſome 'Rub in their way, the Law; to this End (that they might undermine the very 'Foundations of it) a new Power hath been aſſumed to interpret and declare 'Laws without Us by Extemporary Votes, without any Caſe Judicially before 'either Houſe, (which is in effect the ſame thing as to make Laws without Us) 'Orders and Ordinances made only by both Houſes, (tending to a pure Arbi-'trary Power) were preſſed upon the People as Laws, and their Obedience re-'quired to them.

'Their next ſtep was, To erect an upſtart Authority without Us, (in whom, 'and only in whom the Laws of this Realm have placed that Power) to com-'mand the Militia, (very conſiderable to this their Deſign). In farther Order 'to it, they have wreſted from Us our Magazine and Town of *Hull*, and abet-'ted Sir *John Hotham* in his bold-faced Treaſon. They have prepared and di-'rected to the People unprecedented Invectives againſt our Government, there-'by (as much as lay in their Power) to weaken our juſt Authority and due 'Eſteem among them; they have as injuriouſly as preſumptuouſly (tho We 'conceive by this time, Impudence it ſelf is aſham'd of it) attempted to caſt 'upon Us Aſperſions of an unheard of Nature, as if We had favoured a Rebel-'lion in our own Bowels. They have likewiſe broached new Doctrine, That 'We are obliged to paſs all Laws that ſhall be offer'd to Us by both Houſes, '(howſoever our own Judgment and Conſcience ſhall be unſatisfied with them) 'a Point of Policy as proper for their preſent Buſineſs, as deſtructive to all our 'Rights of Parliament, and ſo with ſtrange ſhameleſſneſs will forget a Clauſe in 'Law ſtill in Force, made in the 2d Year of K. *H.* 5. wherein both Houſes of 'Parliament do acknowledg, That it is of the King's Regality to grant or deny 'ſuch of their Petitions as pleaſeth himſelf. They have interpreted our neceſſary 'Guard, legally aſſembled, for the Defence of Us and our Childrens Perſons, 'againſt a Traitor in open Rebellion againſt Us, to be with intent to levy 'War againſt our Parliament, (the thought whereof our very Soul abhorreth) 'thereby to render Us odious to our People.

'They have ſo awed our good Subjects with Purſevants, long chargeable At-'tendance, heavy Cenſures and illegal Impriſonments, that few of them durſt 'offer to preſent their Tenderneſs of our Sufferings, their own juſt Grievances, 'and their ſenſe of thoſe Violations of the Law, (the Birth-right of every Sub-'ject in this Kingdom) though in an humble Petition directed to both Houſes; 'and if any did, it was ſtifled in the Birth, called *Sedition*, and burnt by the 'Common Hangman.

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'They have reſtrained the Attendance of Our ordinary and neceſſary Houſe-
'hold Servants, and ſeized upon thoſe ſmall Sums of Money, which Our Credit
'had provided to buy Us Bread, with Injunctions that none ſhould be ſuffered
'to be conveyed, or returned to Us to *York*, or any of Our Peers or Servants
'with Us, ſo that (in effect) they have blocked Us up in that County.

'They have filled the Ears of the People with the Noiſe of Fears and
'Jealouſies (though taken up upon Truſt) Tales of Skippers, ſalt Fleets,
'and ſuch like, by which Alarms they might prepare them to receive
'ſuch Impreſſions as might beſt advance this Deſign when it ſhould be ripe.
'And now it ſeems they think We are ſufficiently prepared for theſe bitter
'Pills. We are in a handſome Poſture to receive theſe humble Deſires (which
'probably are intended to make way for a Superfetation of a (yet) higher
'nature (if We had not made this Diſcovery to you) for they do not tell Us
'this is all. In them We muſt obſerve, that theſe Contrivers (the better to
'advance their true Ends) diſguiſed as much as they could their Intents with a
'mixture of ſome things really to be approved by every honeſt Man, others,
'ſpecious and popular; and ſome which are already granted by Us, all which
'are cunningly twiſted and mixed with thoſe other things of their main Deſign
'of Ambition and private Intereſt; in hope, that at the firſt view, every Eye
'may not ſo clearly diſcern them in their proper colours.

'We would not be underſtood, that We intend to fix this Deſign upon both
'of either Houſe of Parliament, We utterly profeſs againſt it, being moſt
'confident of the Loyalty, good Affections and Integrity of the Intentions of
'that great Body; and knowing well, that very many of both Houſes were
'abſent, and many diſſented from all thoſe Particulars We complain of; but
'We do believe, and accordingly profeſs to all the World, that the Malignity
'of this Deſign (as dangerous to the Laws of this Kingdom, the Peace of the
'ſame, and the Liberties of all Our good Subjects, as to Our Self, and Our
'juſt Prerogative) hath proceeded from the ſubtile Informations, miſchievous
'Practices, and evil Councils of ambitious turbulent Spirits, diſaffected to
'God's true Religion, and the Unity of the Profeſſors thereof, our Honour
'and Safety, and the publick Peace and Proſperity of Our People, not without
'a ſtrong Influence upon the very Actions of both Houſes: but how faulty ſo-
'evet others are, We ſhall (with God's Aſſiſtance) endeavour to diſcharge
'Our Duty with Uprightneſs of Heart, and therefore, ſince theſe Propoſitions
'come to Us in the Name of both Houſes of Parliament, We ſhall take a more
'particular notice of every of them.

'If the 1, 2, 3, 4, 5, 9, 10, 15, 16, 19, Demands had been writ and printed
'in a Tongue unknown to Us, and Our People, it might have been poſſible
'We and they might have charitably believed the Propoſitions to be ſuch as
'might have been in order to the Ends pretended in the Petition (to wit) the
'eſtabliſhing of Our Honour and Safety, the Welfare and Security of Our
'Subjects and Dominions, and the removing thoſe Jealouſies and Differences,
'which are ſaid to have unhappily fallen betwixt Us and Our People, and pro-
'curing both Us and them a conſtant courſe of Honour, Peace and Happineſs;
'but being read and underſtood by all, We cannot but aſſure Our Self, that
'this Profeſſion, joyned to theſe Propoſitions, will rather appear a Mockery and
'a Scorn; the Demands being ſuch as tho We were unworthy of the Truſt re-
'poſed in Us by the Law, and of Our Deſcent from ſo many great and famous
'Anceſtors, if We could be brought to abandon that Power, which only can
'enable Us to perform what We are ſworn to in protecting Our People
'and the Laws, and ſo aſſume others into it, as to diveſt Our Self of it, altho
'not only Our preſent Condition (which it can hardly be) were more neceſſi-
'tous than it is, and We were both vanquiſh'd and a Priſoner, and in a worſe
'condition than ever the moſt infortunate of Our Predeceſſors have been re-
'duced to by the moſt Criminal of their Subjects. And tho the Bait laid to
'draw Us to it, and to keep Our Subjects from Indignation at the mention of
'it, the Promiſes of a plentiful and unparallell'd Revenue, were reduced from
'Generals (which ſignify nothing) to clear and certain Particulars, ſince ſuch a
'Bargain would have but too great a Reſemblance of that of *Eſau*'s, if We
'ſhould part with ſuch Flowers of Our Crown, as are worth all the reſt of the
'Garland, and have been tranſmitted to Us from ſo many Anceſtors, and have
'been

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'been found ſo uſeful and neceſſary for the Welfare and Security of Our 'Subjects, for any preſent Neceſſity, or for any low and ſordid Conſiderations 'of Wealth and Gain. And therefore all Men knowing, that thoſe Accom-'modations are moſt eaſily made, and moſt exactly obſerved, that are grounded 'upon reaſonable and equal Conditions, We have great cauſe to believe that 'the Contrivers of theſe had no intention of ſetling any firm Accommodation, 'but to increaſe thoſe Jealouſies and widen that Diviſion, which (not by 'Our fault) is now unhappily fallen between Us and both Houſes.

'It is asked, That all the Lords and others of Our Privy-Council, and ſuch '(We know not what you mean by ſuch, but We have cauſe to think you 'mean all) great Officers and Miniſters of State, either at home or beyond the 'Seas (for Care is taken to leave out no Perſon or Place, that Our Diſhonour 'may be ſure not to be bounded within this Kingdom, tho no ſubtile Inſinu-'ations at ſuch a diſtance can probably be believed to have been the cauſe of 'Our Diſtractions and Danger) ſhould be put from Our Privy-Council, and 'from thoſe Offices and Employments, unleſs they be approved by both Houſes 'of Parliament, how faithful ſoever We have found them to Us, and the 'Publick, and how far ſoever they have been from offending againſt any Law, 'the only Rule they had, or any others ought to have to walk by. We therefore 'to this part of this Demand return you this Anſwer, That We are willing 'to grant, that they ſhall take a larger Oath than you you ſelves deſire in your '11th Demand, for maintaining, not of any part, but of the whole Law; and 'We have and do aſſure you, that We will be careful to make Election of 'ſuch Perſons in thoſe Places of Truſt as ſhall have given good Teſtimony of 'their Abilities and Integrities, and againſt whom there can be no juſt cauſe of 'Exception whereon reaſonably to ground a Diffidence; that if We have or 'ſhall be miſtaken in Our Election, We have and do aſſure you, that there is 'no Man ſo near to Us in Place or Affection, whom We will not leave to the 'Juſtice of the Law, if you ſhall bring a particular Charge and ſufficient 'Proofs againſt him, and that We have given you (the beſt Pledg of the 'Effects of ſuch a Promiſe on Our part, and the beſt Security for the perfor-'mance of their Duty on theirs) a Triennial Parliament, the apprehenſion of 'whoſe Juſtice will in all probability make them wary how they provoke it, 'and Us wary how We charge ſuch, as by the diſcovery of their Faults may 'in any degree ſeem to diſcredit Our Election, but that without any ſhadow of 'a Fault objected, only perhaps becauſe they follow their Conſcience, and pre-'ſerve the eſtabliſhed Laws, and agree not in ſuch Votes, or aſſent not 'unto ſuch Bills, as ſome Perſons, who have now too great an Influence even 'upon both Houſes, judg, or ſeem to judg to be for the publick Good, and as 'are agreeable to that new *Utopia* of Religion and Government into which 'they endeavour to transform this Kingdom: For We remember what Names, 'and for what Reaſons, you left out in the Bill offered Us concerning the '*Militia*, which you had your ſelves recommended in the Ordinance: We 'will never conſent to the diſplacing of any, whom for their former Merits 'from, and Affection to Us and the Publick We have intruſted, ſince We con-'ceive that to do ſo would take away both from the Affection of Our Servants, 'the Care of our Service, and the Honour of Our Juſtice; and We the more 'wonder it ſhould be ask'd by you of Us, ſince it appears by the 12th Demand, 'That your ſelves count it reaſonable, after the preſent Turn is ſerved, that the 'Judges and Officers who are then placed, may hold their Places *quamdiu ſe bene 'geſſerint*; and We are reſolved to be as careful of thoſe We have choſen, as 'you are of thoſe you would chuſe, and to remove none till they appear to Us 'to have otherwiſe behaved themſelves, or ſhall be evicted by legal Proceedings 'to have done ſo.

'But this Demand, as unreaſonable as it is, is but one Link of a great 'Chain, and but the firſt Round of that Ladder, by which Our Juſt, Ancient, 'Regal Power is endeavour'd to be fetch'd down to the ground. For it ap-'pears plainly, that it is not with the Perſons now choſen, but with Our chuſing 'that you are diſpleaſed; for you demand, that the Perſons put into the Places 'and Employments of thoſe who ſhall be removed, may be approved by both 'Houſes; which is ſo far (as to ſome at firſt ſight it may appear) from being 'leſs than the Power of Nomination, that of two things (of which We will

'never

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'never grant either) We would ſooner be content that you ſhould nominate 'and We approve, than you approve and We nominate; the meer Nomination 'being ſo far from being any thing, that if We could do no more, We would 'never take the Pains to do that, when We ſhould only hazard thoſe whom 'We eſteemed, to the ſcorn of a Refuſal, if they happened not to be agree-'able, not only to the Judgment, but to the Paſſion, Intereſt or Humour of the 'preſent major part of either Houſe.

'Not to ſpeak now of the great Factions, Animoſities and Diviſions which 'this Power would introduce in both Houſes, between both Houſes, and in the 'ſeveral Countries, for the choice of Perſons to be ſent to that Place where 'that Power was, and between thoſe Perſons that were ſo choſen. Neither is 'this ſtrange Potion preſcribed to Us only for once, for the cure of a preſent 'preſſing deſperate Diſeaſe; but for a Diet to Us and Our Poſterity, it is de-'manded, that Our Counſellors, all chief Officers, both of Law and State, 'Commanders of Forts and Caſtles, and all Peers hereafter made (as to voting 'without which, how little is the reſt?) be approved of (that is, choſen) by 'them from time to time; and rather than it ſhould ever be left to the Crown, '(to whom it doth and ſhall belong) if any Place fall void in the Intermiſſion 'of Parliament, the major part of the approved Council is to approve them: 'Neither is it only demanded, That We ſhould quit the Power and Right Our 'Predeceſſors have had of appointing Perſons in theſe Places, but for Coun-'ſellors We are to be reſtrained, as well in the Number as in the Perſons, and 'a Power muſt be annexed to theſe Places, which their Predeceſſors have not: 'and indeed, if this Power were paſt to them, it were not fit We ſhould be 'truſted to chuſe thoſe who were to be truſted as much as We.

'It is demanded, That ſuch Matters as concern the Publick, and are pro-'per for the High Court of Parliament (which is Our Great and Supream 'Council) may be debated, reſolved, and tranſacted only in Parliament and 'not elſewhere, and ſuch as preſume to do any thing to the contrary, ſhall be 'reſerved to the Cenſure and Judgment of the Parliament, and ſuch other 'Matters of State, as are proper for Our Privy-Council, ſhall be debated and 'concluded by ſuch of Our Nobility (tho indeed if being made by Us they 'may not vote without the Conſent of both Houſes, We are rather to call 'them your Nobility) and others as ſhall be from time to time choſen for that 'Place, by approbation of both Houſes of Parliament, and that no publick Act 'concerning the Affairs of the Kingdom, which are proper for Our Privy-'Council, may be eſteemed of any validity, as proceeding from the Royal 'Authority, unleſs it be done by the Advice and Conſent of the major part 'of Our Council, atteſted under their hands; which Demands are of that na-'ture, that to grant them were in effect at one to deſpoſe both Our Self and Our 'Poſterity.

'Theſe being paſt, We may be waited on bare-headed, We may have Our 'Hand kiſs'd, the Stile of Majeſty continued to Us, and the King's Authority 'declared by both Houſes of Parliament may be ſtill the Stile of your Com-'mands; We may have Swords and Maces carried before Us, and pleaſe Our 'Self with the ſight of a Crown and Scepter (and yet even theſe Twigs would 'not long flouriſh, when the Stock upon which they grew were dead) but as 'to true and real Power, We ſhould remain but the out-ſide, but the Picture, 'but the ſign of a King. We were ever willing that Our Parliament ſhould 'debate, reſolve and tranſact ſuch Matters as are proper for them, as far as they 'are proper for them, and We heartily wiſh, that they would be as careful not 'to extend their Debates and Reſolutions beyond what is proper to them, that 'multitudes of things puniſhable, and Cauſes determinable by the ordinary 'Judicatures, may not be entertained in Parliament, and ſo cauſe a long, 'chargeable and fruitleſs Attendance of Our People, and (by degrees) draw 'to you as well all the Cauſes, as all the Faults of *Weſtminſter-Hall*, and divert 'your proper buſineſs; that the Courſe of Law be no ways diverted, much 'leſs diſturbed, as was actually done by the ſtop of the Proceedings againſt a 'Riot in *Southwark*, by Order of the Houſe of Commons, in a time ſo riotous 'and tumultuous, as much increaſed the danger of popular Inſolencies by ſuch a 'Countenance to Riots, and Diſcountenance of Law. That you deſcend not 'to the leiſure of recommending Lecturers to Churches, nor aſcend to the

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'Legiſlative Power, by commanding (the Law not having yet commanded it) 'that they whom you recommend be received, although neither the Parſon nor 'Biſhop do approve of them; and that the Refuſers (according to the courſe 'ſo much formerly complained of to have been uſed at the Council Table) be 'not ſent for to attend to ſhew Cauſe, at leaſt, that you would conſider Con-'veniency, if not Law, and recommend none but who are well known to you 'to be Orthodox, Learned and Moderate, or at leaſt ſuch as have taken Orders, 'and are not notorious Depravers of the Book of Common-Prayer; a Care 'which appeareth by the Diſcourſes, Sermons and Perſons of ſome recom-'mended by you, not to have hitherto taken; and it highly concerns both you 'in Duty, and the Common-Wealth in the Conſequences, that it ſhould have 'been taken; That neither one Eſtate tranſact what is proper for two, nor two 'what is proper for three; and conſequently, that (contrary to our declared 'Will) our Forts may not be ſeized, our Arms may not be removed, our Mo-'nies may not be ſtopt, our Legal Directions may not be countermanded by you, 'nor We deſired to countermand them our Self; nor ſuch Entrances made upon 'a real War againſt Us, upon pretence of an imaginary War againſt you, and 'a Chimera of Neceſſity; ſo far do you paſs beyond your Limits, whilſt you 'ſeem by your Demand to be ſtrangely ſtraitned within them; at leaſt We 'could have wiſhed you would have expreſſed what Matters you meant as fit 'to be tranſacted only in Parliament, and what you meant by only in Parliament.

'You have of late been perſwaded, by the new Doctrine of ſome few, to 'think that proper for your Debates, which hath not uſed to be at all debated 'within thoſe Walls, but been truſted wholly with our Predeceſſors and Us; 'and to tranſact thoſe things, which without the Regal Authority, ſince there 'were Kings of this Kingdom, were never tranſacted: It therefore concerns 'Us the more, that you ſpeak out, and that both We and our People may ei-'ther know the bottom of your Demands, or know them to be bottomleſs. 'What concerns more the Publick, and is more (indeed) proper for the High 'Court of Parliament, than the making of Laws, which not only ought there 'to be tranſacted, but can be tranſacted no where elſe? But then you muſt ad-'mit Us to be a part of the Parliament, you muſt not (as the ſenſe is of this 'part of the Demand, if it have any) deny the freedom of our Anſwer, when 'We have as much right to reject what We think unreaſonable, as you have to 'propoſe what you think convenient or neceſſary: Nor is it poſſible our An-'ſwers, either to Bills, or any other Propoſitions, ſhould be wholly free, if 'We may not uſe the liberty of every one of you, and of every Subject, 'and receive Advice (without their Danger who ſhall give it) from any 'Perſon, known or unknown, ſworn or unſworn, in theſe Matters in which 'the manage of our Vote is truſted by the Law, to our own Judgment and 'Conſcience, which how beſt to inform, is (and ever ſhall be) left likewiſe to 'Us; and moſt unreaſonable it were, that two Eſtates propoſing ſomething to 'the Third, that Third ſhould be bound to take no Advice, whether it were fit 'to paſs, but from thoſe two that did propoſe it. We ſhall ever in theſe things 'which are truſted wholly to Us by the Law, not decline to hearken to the Ad-'vice of our Great Council, and ſhall uſe to hear willingly the free Debates of 'our Privy Council, (whenſoever we may be ſuffer'd to have them for ſending 'for, and they ſhall not be terrified from that freedom by Votes, and Brands 'of Malignants, and Enemies to the State, for adviſing what no Law forbids 'to adviſe) but We will retain our Power, of admitting no more to any Coun-'cil than the Nature of the Buſineſs requires, and of diſcourſing with whom 'We pleaſe, of what We pleaſe, and informing our Underſtanding by Debate 'with any Perſons, who may be well able to inform and adviſe Us in ſome Par-'ticular, though their Qualities, Education, or other Abilities, may not make 'them ſo fit to be of our ſworn Council, and not tie our Self up not to hear any 'more than twenty five (and theſe not choſen abſolutely by Us) out of a 'Kingdom ſo repleniſhed with judicious and experienced Perſons of ſeveral 'kinds. And though We ſhall (with the proportionable conſideration due to 'them) always weigh the Advices both of our Great and Privy Council, yet 'We ſhall alſo look upon their Advices as Advices, not as Commands or Im-'poſitions; upon them as our Counſellors, not as our Tutors and Guardians, 'and upon our Self as their King, not as their Pupil or Ward; for whatſoever

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'of Regality were, by the modeſty of Interpretation left Us, in the firſt part 'of the ſecond Demand, as to the Parliament, is taken from Us in the ſecond 'part of the ſame, and placed in this new-fangled kind of Counſellors, whoſe 'Power is ſuch, and ſo expreſſed by it, that in all publick Acts concerning the 'Affairs of this Kingdom, which are proper for our Privy Council, (for whoſe 'Advice all publick Acts are ſometimes proper, though never neceſſary) they 'are deſired to be admitted joint Patentees with Us in the Regality; and it is not 'plainly expreſſed, whether they mean Us ſo much as a ſingle Vote in theſe Af-'fairs; but it is plain they mean Us no more, at moſt, than a ſingle Vote in 'them, and no more Power than every one of the reſt of our Privy Counſel-'lors; only leave to Us, out of their Reſpect and Duty, (and that only is left of 'all our ancient Power) a Choice, Whether theſe that are thus to be joined 'with (or rather ſet over) Us, ſhall be 15 or 25: And great care is taken that 'the Oath which theſe Men ſhall take, ſhall be ſuch, in the framing the Form of 'which, (though ſure We are not wholly unconcern'd in it) We may be whol-'ly excluded, and that wholly reſerved to be agreed upon by both Houſes of 'Parliament.

'And to ſhew that no more care is taken of our Safety, than of our Power, 'after ſo great Indignities offered to Us, and countenanced by thoſe who were 'moſt obliged to reſent them. After our Town and Fort kept from Us, (from 'which, if it were no otherwiſe Ours, than the whole Kingdom is, We can no 'more legally be kept out, than out of our whole Kingdom, which ſure your 'ſelves will not deny to be Treaſon) our Arms, our Goods ſent away, and our 'Money ſtopp'd from Us, our Guards (in which We have no other Intention, 'than to hinder the End of theſe things from being proportionable to their Be-'ginnings) are not only deſired to be diſmiſſed before Satisfaction for the Injury, 'Puniſhment of the Injurers, and care taken for our future Security from the 'like. But it is likewiſe deſired, (and for this Law is pretended, and might as 'well have been for the reſt, which yet with ſome ingenuity are it ſeems ac-'knowledged to be but deſires of Grace) that We ſhall not for the future raiſe 'any Guards, or extraordinary Forces, but in caſe of actual Rebellion or Inva-'ſion; which if it had been Law, and ſo obſerved in the Time of our Prede-'ceſſors, few of thoſe Victories, which have made theſe Nations famous in 'other Parts, could have been legally atchieved: Nor could our bleſſed Prede-'ceſſor, Queen *Elizabeth*, have ſo defended her Self in Eighty eight. And if 'no Forces muſt be levied till Rebellions and Invaſions (which will not ſtay for 'the calling of Parliaments, and their Conſent for raiſing Forces) be actual, 'they muſt undoubtedly (at leaſt moſt probably) be effectual and prevalent.

'And as neither Care is taken for our Rights, Honour, nor Safety as a Prince; 'ſo our Rights, as a private Perſon, are endeavoured to be had from Us; it be-'ing asked, that it may be Unlawful and Puniſhable, not only to conclude, but 'even to treat of any Marriage with any Perſon for our own Children, or to 'place Governors about them without Conſent of Parliament; and in the in-'termiſſion of theſe, without the Conſent of our good Lords of the Council; 'that We may not only be in a more deſpicable State than any of our Predeceſ-'ſors, but in a meaner and viler Condition than the loweſt of our Subjects, who 'value no Liberty they have more, than that of the free Education and Marri-'age of their Children, from which We are asked to debar our Self; and have 'the more Reaſon to take it ill that We are ſo, becauſe for our Choice of a Go-'vernour for our Son, and of a Husband for our Daughter, (in which the Pro-'teſtant Religion was our principal Conſideration) We conceived we had 'reaſon to expect your preſent Thanks, and the increaſe of your future Truſts.

'We ſuppoſe theſe Demands by this time, to appear ſuch as the Demanders 'cannot be ſuppoſed to have any ſuch real Fear of Us as hath been long pre-'tended, they are too much in the Stile, not only of Equals, but of Conque-'rors; and as little to be intended for removing of Jealouſies, (for which End 'they are ſaid to be asked; and that is not as Merchants ask at firſt, much more 'than they will take, but as moſt neceſſary to effect it, which (if they be) 'God help this poor Kingdom, and thoſe who are in the Hands of ſuch Per-'ſons, whoſe Jealouſies nothing elſe will remove) which indeed is ſuch a way, 'as if there being Differences and Suits between two Perſons, whereof one 'would have from the other ſeveral parcels of his Ancient Land, he ſhould

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'propoſe to him, by way of Accommodation, that he would quit to him all 'thoſe in queſtion, with the reſt of his Eſtate, as the moſt neceſſary and effectu- 'al Means to remove all thoſe Suits and Differences: But We call God to wit- 'neſs, that as for our Subjects ſake theſe Rights are veſted in Us; ſo for their 'Sakes, as well as for our own, We are reſolved not to quit them, nor to ſub- 'vert (though in a parliamentary way) the ancient, equal, happy, well-poiſed, 'and never-enough commended Conſtitution of the Government of this King- 'dom; nor to make our Self, of a King of *England*, a Duke of *Venice*; and this 'of a Kingdom, a Republick.

'There being three kinds of Government among Men, Abſolute Monarchy, 'Ariſtocracy, and Democracy: and all theſe having their particular Conveniences 'and Inconveniences. The Experience and Wiſdom of your Anceſtors, hath ſo 'moulded this out of a Mixture of theſe, as to give to this Kingdom (as far as 'humane Prudence can provide) the Conveniences of all three, without the 'Inconveniences of any one, as long as the Balance hangs even between the 'three Eſtates, and they run jointly on in their proper Chanel, (begetting Ver- 'dure and Fertility in the Meadows on both ſides) and the overflowing of either 'on either ſide, raiſe no Deluge or Inundation. The Ill of Abſolute Monarchy 'is Tyranny; the Ill of Ariſtocracy, is Faction and Diviſion; the Ills of De- 'mocracy, are Tumults, Violence, and Licentiouſneſs. The Good of Monar- 'chy, is the uniting a Nation under one Head, to reſiſt Invaſion from Abroad, 'and Inſurrection at Home; the Good of Ariſtocracy, is the conjunction of 'Council in the ableſt Perſons of a State for the publick Benefit; the Good 'of Democracy, is Liberty, and the Courage and Induſtry which Liberty be- 'gets.

'In this Kingdom the Laws are jointly made by a King, by a Houſe of 'Peers, and by a Houſe of Commons choſen by the People, all having free 'Votes and particular Priviledges. The Government according to theſe Laws, 'is truſted to the King; Power of Treaties of War and Peace, of making Peers, 'of chuſing Officers and Counſellors for State, Judges for Law, Commanders 'for Forts and Caſtles; giving Commiſſions for raiſing Men; to make War 'Abroad, or to prevent or provide againſt Invaſions or Inſurrections at Home; 'benefit of Confiſcations, power of Pardoning, and ſome more of the like 'kind are placed in the King. And this kind of regulated Monarchy, having 'this Power to preſerve that Authority, without which it would be diſabled to 'preſerve the Laws in their Force, and the Subjects in their Liberties and Pro- 'perties, is intended to draw to him ſuch a Reſpect and Relation from the great 'Ones, as may hinder the Ills of Diviſion and Faction; and ſuch a Fear and 'Reverence from the People, as may hinder Tumults, Violence, and Licen- 'tiouſneſs.

'Again, That the Prince may not make uſe of this high and perpetual Power 'to the hurt of thoſe for whoſe Good he hath it; and make uſe of the Name 'of *Publick Neceſſity*, for the Gain of his private Favorites and Followers, to 'the detriment of his People, the Houſe of Commons, (an excellent Conſer- 'ver of Liberty, but never intended for any ſhare in Government, or the chu- 'ſing of them that ſhould Govern) is ſolely intruſted with the firſt Propoſitions 'concerning the Levies of Monies, (which is the Sinews as well of Peace as of 'War); and the impeaching of thoſe, who for their own Ends, though coun- 'tenanced by any ſurreptitiouſly gotten Command of the King, have violated 'that Law, which he is bound (when he knows it) to protect: And to the 'proſecution of which they were bound to adviſe him, at leaſt not to ſerve him 'in the contrary. And the Lords being truſted with a Judicatory Power, are an 'excellent Skreen and Bank between the Prince and People, to aſſiſt each againſt 'any Incroachments of the other; and by juſt Judgments to preſerve that Law, 'which ought to be the Rule of every one of the Three. For the better ena- 'bling them in this, beyond the Examples of any of our Anceſtors, We were 'willingly contented to oblige our Self, both to call a Parliament every three 'Years, and not to diſſolve it in fifty Days: and for the preſent Exigent, the 'better to raiſe Money, and to avoid the Preſſure, (no leſs grievous to Us than 'them) our People muſt have ſuffer'd by a longer continuance of ſo vaſt a 'Charge as two great Armies; and for their greater certainty of having ſuffici- 'ent Time to remedy the Conveniencies ariſen, during ſo long an abſence of

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'Parliaments, and for the Puniſhment of the Cauſers and Miniſters of them, 'We yielded up Our Right of diſſolving this Parliament, expecting an extraordinary Moderation from it, in Gratitude for ſo unexempled a Grace, and little 'looking that any Malignant Party ſhould be encouraged, or enabled to have 'perſwaded them, firſt to countenance the Injuſtices and Indignities We have 'endured, and then by a new way of Satisfaction for what was taken from 'Us, to demand of Us at once to confirm what was ſo taken, and to give up 'almoſt all the reſt.

'Since therefore the Power, legally placed in both Houſes, is more than 'ſufficient to prevent and reſtrain the Power of Tyranny, and without the Power, 'which is now asked from Us, We ſhall not be able to diſcharge that Truſt, 'which is the end of Monarchy, ſince this would be a total Subverſion of the 'Fundamental Laws, and that excellent Conſtitution of this Kingdom, which 'hath made this Nation ſo many Years, both famous and happy to a great degree 'of Envy; ſince to the Power of puniſhing (which is already in your hands 'according to Law) if the Power of preferring be added, We ſhall have no-'thing left for Us but to look on, ſince the incroaching of one of theſe Eſtates 'upon the Power of the other is unhappy in the Effects, both to them and all 'the reſt; ſince this Power of at moſt a joynt Government in Us with Our 'Counſellors (or rather Our Guardians) will return Us to the worſt kind of 'Minority, and make Us deſpicable both at home and abroad, and beget eter-'nal Factions and Diſſentions (as deſtructive to publick Happineſs as War) 'both in the Choſen, and in the Houſes that choſe them, and the People who choſe 'the Chuſers, ſince ſo new a Power will undoubtedly intoxicate Perſons who were 'not born to it, and beget not only Diviſions among them as Equals, but in them 'Contempt of Us, as become an Equal to them, and Inſolence and Injuſtice 'toward Our People, as now ſo much their Inferiors, which will be the more 'grievous unto them, as ſuffering from thoſe who were ſo lately of a nearer 'degree to themſelves, and being to have Redreſs only from thoſe that placed 'them, and fearing they may be inclined to preſerve what they have made, both 'out of Kindneſs and Policy, ſince all great Changes are extreamly inconve-'nient, and almoſt infallibly beget yet greater Changes, which beget yet greater 'Inconveniences.

'Since as great an one in the Church muſt follow this of the Kingdom; ſince 'the ſecond Eſtate would in all probability follow the Fate of the firſt, and by 'ſome of the turbulent Spirits Jealouſies would ſoon be raiſed againſt them, and 'the like Propoſitions for Reconciliation of Differences would be then ſent to 'them, as they now have joyned to ſend to Us till (all Power being veſted in 'the Houſe of Commons, and their number making them incapable of tranſ-'acting Affairs of State with the neceſſary Service and Expedition, thoſe being 'retruſted to ſome cloſe Committee) at laſt the common People (who in the 'mean time muſt be flattered, and to whom Licenſe muſt be given in all their wild 'Humours, how contrary ſoever to eſtabliſhed Law, or their own real Good) 'diſcover this *Arcanum Imperii*, That all this was done by them, but not for 'them, and grow weary of Journy-work, and ſet up for themſelves, call Parity and 'Independence Liberty, devour that Eſtate which had devoured the reſt; de-'ſtroy all Rights and Proprieties, all Diſtinctions of Families and Merit; and by 'this means this ſplendid and excellently diſtinguiſhed Form of Government 'end in a dark equal Chaos of Confuſion, and the long Line of Our many 'Noble Anceſtors in a *Jack Cade*, or a *Wat Tyler*.

'For all theſe Reaſons to all theſe Demands Our Anſwer is, *Nolumus Leges 'Angliæ mutari*: but this We promiſe, that We will be as careful of preſerving 'the Laws in what is ſuppoſed to concern wholly Our Subjects, as in what 'moſt concerns Our Self: For indeed We profeſs to believe, that the pre-'ſervation of every Law concerns Us, thoſe of Obedience being not ſecure, 'when thoſe of Protection are violated; and We being moſt of any injur'd in 'the leaſt Violation of that by which We enjoy the higheſt Rights and greateſt 'Benefits, and are therefore obliged to defend no leſs by Our Intereſt, than by 'Our Duty, and hope that no Jealouſies to the contrary ſhall be any longer 'nouriſhed in any of Our good People by the ſubtile Inſinuations and ſecret 'Practices of Men, who for private Ends are diſaffected to Our Honour and 'Safety, and the Peace and Proſperity of Our People. And to ſhew you, that

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'no juſt Indignation at ſo reproachful Offers ſhall make Us refuſe to grant what 'is probable to conduce to the Good of Our good People, becauſe of the ill 'Company it comes in, We will ſearch carefully in this heap of unreaſonable Demands, for ſo much as We may (complying with Our Conſcience, 'and the Duty of Our Truſt) aſſent unto, and ſhall accordingly agree to it.

'In purſuance of which Search in the fourth Propoſition, under a Demand, 'which would take from Us that Truſt, which God, Nature and the Laws of 'the Land have placed in Us, and of which none of you could endure to be 'deprived, We find ſomething to which We give this Anſwer, That We have 'committed the principal Places about Our Children to Perſons of Quality, 'Integrity and Piety, with ſpecial regard that their tender Years might be ſo 'ſeaſon'd with the Principles of the true Proteſtant Religion, as (by the Bleſſing 'of God upon this Our Care) this whole Kingdom may in due time reap the 'Fruit thereof: and as We have been likewiſe very careful in the choice of 'Servants about them, that none of them may be ſuch, as by ill Principles, or by 'ill Examples, to croſs Our Endeavours for their pious and vertuous Education; 'ſo if there ſhall be found (for all Our Care to prevent it) any Perſon about 'Our Children (or about Us, which is more than you ask) againſt whom both 'Houſes ſhall make appear to Us any juſt Exception, We ſhall not only re'move them, but thank you for the Information; only We ſhall expect that you 'ſhall be likewiſe careful, that there be no under-hand dealing by any to ſeek 'Faults to make room for others to ſucceed in their Places.

'For the fifth Demand, as We will not ſuffer any to ſhare with Us in Our 'Power of Treaties, which are moſt improper for Parliaments, and leaſt of all in 'thoſe Treaties in which We are neareſt concern'd, not only as a King, but as a 'Father; yet We do (ſuch is Our deſire to give all reaſonable Satisfaction) 'aſſure you by the Word of a King, that We ſhall never propoſe or entertain 'any Treaty whatſoever for the Marriage of any of Our Children, without 'due regard to the true Proteſtant Profeſſion, the Good of Our Kingdoms, and 'the Honour of Our Family.

'For the ſixth Demand, concerning the Laws in force againſt Jeſuits, Prieſts 'and Popiſh Recuſants, We have by many of Our Meſſages to you, by Our 'voluntary Promiſe to you ſo ſolemnly made, never to pardon any Popiſh 'Prieſt, by Our ſtrict Proclamations lately publiſhed in this Point, and by the 'publick Examples which We have made in that caſe ſince Our Reſidence at '*York*, and before at *London*, ſufficiently expreſſed Our Zeal herein. Why do 'you then ask that in which Our own Inclination hath prevented you? And 'if you can yet find any more effectual courſe to diſable them from diſturbing 'the State, or eluding the Law by Truſts, or otherwiſe, We ſhall willingly give 'our Conſent to it.

'For the ſeventh Demand, concerning the Votes of the Popiſh Lords, We 'underſtand, that they in Diſcretion have withdrawn themſelves from the 'Service of the Houſe of Peers, (and had done ſo when uſe was publickly 'made of their Names to aſperſe the Votes of that Houſe, which was then 'counted as malignant, as thoſe, who are called Our unknown and unſworn 'Counſellors, are now) neither do We conceive, that ſuch a poſitive Law a'gainſt the Votes of any whoſe Blood gives them that Right, is ſo proper in 'regard of the Privileds of Parliament, but are content, that ſo long as they 'ſhall not be conformable to the Doctrine and Diſcipline of the Church of '*England*, they ſhall not be admitted to ſit in the Houſe of Peers, but only to 'give their Proxies to ſuch Proteſtant Lords as they ſhall chooſe, who are to 'diſpoſe of them as they themſelves ſhall think fit, without any reference at all 'to the Giver.

'As to the Deſires for a Bill for the Education of Papiſts by Proteſtants in 'Proteſtant Profeſſion, many about Us can witneſs with Us, that We have often 'delivered Our Opinion, that ſuch a courſe (with God's Bleſſing upon it) 'would be the moſt effectual for the rooting Popery out of this Kingdom; 'We ſhall therefore thank you for it, and encourage you in it, and when it 'comes unto Us, do Our Duty: and We heartily wiſh for the publick Good, 'that the time you have ſpent in making Ordinances without Us, had been 'employed in preparing this and other good Bills for Us.

'For

An. 1642.

'For the eighth, touching the Reformation to be made of the Church-Government and Liturgy, We had hoped that what We had formerly declared concerning the ſame, had been ſo ſufficiently underſtood by you, and all good Subjects, that We ſhould not need to have expreſſed Our Self further in it. We told you in Our Anſwer to your Petition preſented to Us at *Hampton-Court*, the firſt of *December*, That for any illegal Innovations which may have crept in, We ſhould willingly concur in the Removal of them; that if Our Parliament ſhould adviſe Us to call a National Synod which may duly examine ſuch Ceremonies as give juſt cauſe Offence to any, We ſhould take it into Conſideration, and apply *Our Self to give due Satisfaction therein; that We were perſwaded in Our Conſcience, that no Church could be found upon the Earth, that profeſſeth the true Religion with more Purity of Doctrine than the Church of* England *doth, nor where the Government and Diſcipline are jointly more beautified, and free from Superſtition, than as they are here eſtabliſhed by Law*; which (by the Grace of God) We will with Conſtancy maintain (while We live) in their Purity and Glory, not only againſt all Invaſions of Popery, but alſo from the Irreverence of thoſe many Schiſmaticks and Separatiſts, wherewith of late this Kingdom and Our City of *London* abounds, to the great Diſhonour and Hazard both of Church and State; for the Suppreſſion of whom We required your timely and active Aſſiſtance. We told you in your firſt Declaration, printed by the Advice of Our Privy-Council, *That for Differences amongſt Our Selves for Matters indifferent in their own nature concerning Religion, We ſhould in Tenderneſs to any number of Our loving Subjects, very willingly comply with the Advice of Our Parliament, that ſome Law might be made for the Exemption of tender Conſciences from Puniſhment, or Proſecution for ſuch Ceremonies, and in ſuch Caſes, which by the Judgment of moſt Men are held to be Matters indifferent, and of ſome to be abſolutely unlawful; Provided that this Eaſe ſhould be attempted and purſued with that Modeſty, Temper and Submiſſion, that in the mean time the Peace and Quiet of the Kingdom be not diſturbed, the Decency and Comlineſs of God's Service diſcountenanced, nor the pious, ſober, devout Actions of thoſe Reverend Perſons who were the firſt Labourers in the bleſſed Reformation, or of that time, be ſcandalized and defamed.* And we heartily wiſh, that others whom it concerned, had been as ready as their Duty bound them, though they had not receieved it from Us, to have purſued this Caution, as We were, and ſtill are willing and ready to make good every particular of that Promiſe. Nor did We only appear willing to joyn in ſo good a Work, when it ſhould be brought Us, but preſt and urged you to it by Our Meſſage of the 14*th* of *February*, in theſe words. *And becauſe His Majeſty obſerves great and different Troubles to ariſe in the Hearts of his People concerning the Government and Liturgy of the Church, His Majeſty is willing to declare, That He will refer the whole Conſideration to the Wiſdom of His Parliament, which He deſires them to enter into ſpeedily, that the preſent Diſtractions about the ſame may be compoſed: but deſires not to be preſſed to any ſingle Act on His part, till the whole be ſo digeſted and ſettled by both Houſes, that His Majeſty may clearly ſee what is fit to be left, as well as what is fit to be taken away:* Of which We the more hoped of a good Succeſs to the general Satisfaction of Our People, becauſe you ſeem in this Propoſition to deſire but *a Reformation*, and not, as is daily preached for as neceſſary in thoſe many Conventicles which have within theſe nineteen Months begun to ſwarm, and which, tho their Leaders differ from you in this Opinion, yet appear to many as countenanced by you, by not being puniſhed by you (few elſe, by reaſon of the Order of the Houſe of Commons of the 9*th* of *September*, daring to do it) a Deſtruction of the preſent Diſcipline and Liturgy. And We ſhall moſt chearfully *give Our beſt Aſſiſtance for raiſing a ſufficient Maintenance for preaching Miniſters*, in ſuch courſe as ſhall be moſt for the Encouragement and Advancement of Piety and Learning.

'For the Bills you mention, and the Conſultation you intimate, knowing nothing of the particular Matters of the one (tho We like the Titles well) nor of the manner of the other, but from an Informer (to whom We give little Credit, and We wiſh no Man did more) common Fame, We can ſay nothing till We ſee them.

'For the eleventh. We would not have the *Oath of all Privy-Counſellors and Judges* ſtraitned to particular Statutes of one or two particular Parliaments,

'but

18 *Car.*

'but extend to all Statutes of all Parliaments, and the whole Law of the Land, and 'ſhall willingly conſent, *That an Enquiry of all the Breaches and Violations of the 'Law may be given in Charge by the Juſtices of the King's Bench every Term, and by the 'Judges of Aſſize in their Circuits, and Juſtices of the Peace at the Seſſions to be pre-'ſented and puniſhed according to Law.*

'For the ſeventeenth, We ſhall ever be moſt ready, (and We are ſorry it 'ſhould be thought needful to move Us in it) not only to joyn with any (particu-'larly *with the States of the United Provinces*, of which We have given a late 'Proof in the Match of Our Daughter) *for the Defence and Maintenance of the 'Proteſtant Religion againſt all Deſigns and Attempts of the Pope and his Adherents*, 'but ſingly (if need were) to oppoſe with Our Life and Fortune *all ſuch 'Deſigns* in all other Nations, were they joyned: And that for Conſiderations 'of Conſcience, far more than any temporal end *of obtaining acceſs of Strength 'and Reputation*, or any natural end *of reſtoring Our Royal Siſter and her Princely 'Iſſue to their Dignities and Dominions*, though theſe be likewiſe much conſidered 'by Us.

'For the eighteenth, it was not Our Fault that an Act was not paſſed *to clear 'the Lord* Kymbolton, *and the five Members of the Houſe of Commons*, but yours 'who inſerted ſuch Clauſes into both the Preamble and Act (perhaps perſwaded 'to it by ſome who wiſh not that you ſhould in any thing receive Satisfaction 'from Us) as by paſſing the Preamble, We muſt have wounded Our Honour 'againſt Our Conſcience, and by another Clauſe have admitted a Conſquence, 'from which We could never have been ſecured, by declaring, *That no Member 'of either Houſe, upon any Accuſation of Treaſon, could have his Perſon ſeized with-'out the Conſent of that Houſe of which he is a Member*, tho the known Law be, '*That Priviledg of Parliament extends not to Treaſon*; and if it did, any Member '(the Houſe being for a ſhort time adjourned, and ſo their Conſent not being 'ſo had) how treaſonable ſoever his Intentions were, how clearly ſoever known, 'and how ſuddenly ſoever to be executed, muſt have fair leave given him to 'go on, and purſue them; no way, how legal ſoever, after the paſſing ſuch a 'Clauſe being left to prevent it.

'To conclude; We conjure you, and all Men, to reſt ſatisfied with the Truth 'of Our Profeſſions, and the Reality of Our Intentions, not to ask ſuch 'things as deny themſelves, that you declare againſt Tumults, and puniſh the 'Authors; that you allow Us Our Propriety in Our Towns, Arms and 'Goods, and Our ſhare in the Legiſlative Power, which would be counted 'in Us, not only Breach of Priviledg, but Tyranny and Subverſion of Parlia-'ments to deny to you. And when you ſhall have given Us Satisfaction 'upon thoſe Perſons who have taken away the one, and recalled thoſe De-'clarations (particularly that of the 26*th* of *May*) and thoſe in the Point of 'the *Militia* (Our juſt Rights wherein We will no more part with than with 'Our Crown, leſt We enable others by them to take that from Us) which 'would take away the other, and declined the beginnings of a War againſt 'Us, under pretence of Our Intention of making one againſt you; as We 'have never oppoſed the firſt part of the thirteenth Demand, ſo We ſhall be 'ready to concur with you in the latter.

'And being then confident that the Credit of thoſe Men, who deſire a 'general Combuſtion, will be ſo weakened with you, that they will not 'be able to do this Kingdom any more harm, We ſhall be willing to grant 'Our General Pardon, with ſuch Exceptions as ſhall be thought fit, and 'ſhall receive much more Joy in the hope of a full and conſtant Happi-'neſs of Our People in the true Religion, and under the Protection of 'the Law, by a bleſſed Union between Us and Our Parliament (ſo much 'deſired by Us) than any ſuch Encreaſe of Our own Revenue (how much 'ſoever beyond former Grants) as (when Our Subjects were wealthieſt) 'Our Parliament could have ſettled upon Us.

An

An. 1642.

An Order of the Houſe concerning the Pawning of the Crown Jewels at Amſterdam.

Die Jovis 2 *Junii*, 1642.

Order of the two Houſes againſt pawning the Jewels of the Crown.

WHereas it doth appear, to the Lords and Commons in Parliament, that the King, ſeduced by wicked Counſel, doth intend to levy War againſt this Parliament. And whereas Information hath been given, that the Jewels of the Crown (which by the Law of the Land ought not to be alienated) are either pawned or ſold in *Amſterdam*, or ſome other Part beyond the Seas; and thereby great Sums of Money provided to be returned to *York*, or to ſome of his Majeſty's Servants or Agents, for his Majeſty's Uſe. And whereas 'tis more than probable, that this great proviſion of Money in this extraordinary Way, is to maintain this intended War, and thereby to bring the whole Kingdom into utter Ruin and Combuſtion. It is therefore declared, by the Lords and Commons in Parliament, That whoſoever hath been, or ſhall be an Actor in the ſelling or pawning of any Jewels of the Crown, or hath or ſhall pay, lend, ſend, or bring any Money *in ſpecie* into this Kingdom, for or upon any of thoſe Jewels; or whoſoever hath or ſhall accept of any Bill from beyond the Seas, for the paiment of any Sum of Money for or upon any of thoſe Jewels, and ſhall paſs any Sum according to ſuch Bill, after notice of this Order, without acquainting this Houſe with the Receipt of ſuch Bill before he accept the ſame: Or if he have already accepted any ſuch Bill, then with the Acceptance thereof, before the paiment of the Money, every ſuch Perſon ſhall be held and accounted a Promoter of this intended War, an Enemy to the State, and ought to give Satisfaction for this publick Damage out of his own Eſtate.

H. ELSING Cler. Parl. Dom. Com.

An Order for the Members of the Houſe of Commons to attend the Parliament.

Die Jovis 2 *Junii* 1642.

IT is this day Ordered by the *Commons* now aſſembled in Parliament, That the *ſeveral Members* of this Houſe do forthwith *give their Attendance* upon the publick Service of this Common-Wealth, with which they are entruſted by their Countries. And the *Sheriffs* of the ſeveral Counties of this Kingdom of *England* and Dominion of *Wales*, are required to give notice of this Order, unto all ſuch Members of the Houſe of Commons as are within the reſpective Counties, and ſpeedily to make return of ſuch their Doings unto the Speaker of that Houſe. And all ſuch as ſhall not make their perſonal Appearance by the 16*th* day of this inſtant *June* in the Houſe of Commons, ſhall each one forfeit one hundred Pounds, to be diſpoſed of for the Wars in *Ireland*, and undergo ſuch further Cenſure and Puniſhment as the ſaid Houſe ſhall think fit for ſo great neglect of their Duty, in a time that ſo neceſſarily requires their Aſſiſtance.

Provided always that all ſuch that are ſpecially employed by this Houſe, are to remain in ſuch Imployments, until they ſhall have particular Directions for their Return.

Ordered that it be forthwith printed.

H. ELSING Cler. Parl. Dom. Com.

Die Sabbati 4 *Junii* 1642.

Sir *Walter Earl*, Sir *Peter Wentworth*, Sir *Samuel Rolle*, Mr. *Arthur Goodwin*, Mr. *Pury*, Mr. *Noble*.

A Committe for putting Votes and Orders in Execution.

THis *Committee*, or any three of them, are appointed to conſider of the beſt way of *putting the publick Orders and Votes* of the Houſe in execution, and of divulging, diſperſing and publiſhing the ſaid Orders and Votes, and alſo the Declaration

Declaration of the Houſe through the Kingdom, and of the well and true printing of them; and have Power to imploy Meſſengers, as they ſhall ſee occaſion; and to make them Allowances, and to ſit when and where they pleaſe. 18 *Car.*

HEN. ELSING Cler. Parl. Dom. Com.

[About this time ſeveral Lords left the Parliament, and repaired to the King at *York*: Whereupon there was an Order of the Houſe of Lords ſent to them, requiring their Appearance as Delinquents; whereunto they returned this Anſwer.]

A Letter ſent from thoſe Lords, whoſe Names are under-written, to the Right Honourable the Lords and Commons aſſembled in the High Court of Parliament, June *the* 4*th*, 1642.

WE whoſe Names are under-written, have each of us received an Order, ſigned by the Clerk of the Houſe, *John Brown*; commanding our Appearance as Delinquents, at the Bar, (the 8*th* of *June* inſtant) to anſwer an high Contempt againſt the Houſe, contrary to our Duty, and our breach of Priviledg of *Parliament*, which by Oath we are bound to maintain.

We are very ſenſible to hear ſuch a Stile, as the Name of *Delinquency* ſhould be put upon us; and ſo great a Diſgrace, as *coming to the Bar*, which we conceive to be contrary to the Dignity and Priviledg of Peers; the Particularity of the Crime not at all notified. And we do further conceive, That it is the apparant, uſual and inherent Right belonging to the Peerage of *England*, That in the higheſt Miſdemeanour whatſoever, no Peer is to anſwer to the firſt Charge, but in his own Perſon, and not upon the firſt Charge to come to the Bar. And as we are ignorant of the Nature of this Contempt, ſo are we not informed by the Order wherein we have broken any Priviledg of Parliament, much leſs violated any Oath.

The Cauſe of our coming, being to pay a willing Obedience to his Majeſty's Command, ſignified by Letters under his own Hand: And we ſhall be much comforted and ſatisfied (when his Majeſty's Occaſions ſhall permit us) to return back to the Houſe, to ſit with the Liberty and that Condition that the Peerage of *England* formerly have done, ſecured from all Menaces, or demanding any Account of our particular Votes, and from tumultuary Aſſemblies. My Lords, we hope, that as in our Hearts reſides a great Reverence and Duty to the Houſe, ſo we are confident thoſe honourable Lords that are preſent there, will not affix any Character upon our Perſons and Actions, but as may become Men of Honour to bear: And ſo we reſt,

Your Lordſhips affectionate Friends and Servants,

Northampton.	*Monmouth.*	*Grey* of *Ruthen.*
Devonſhire.	*Rich.*	*Coventry.*
Dover.	*Andover.*	*Capell.*

[Hereupon the Commons reſolved to impeach them; which was done accordingly, as follows.]

Articles of Impeachment againſt the nine Lords, viz. *The Earls of* Northampton, Devonſhire, Monmouth *and* Dover; *and the Lords,* Rich, Andover, Grey *of* Ruthen, Covenrry *and* Capell.

June 15. 1642. Impeachment againſt the 9 Lords for deſerting the Parliament, and not returning upon Summons.

THE Lords and Commons aſſembled in Parliament, finding the Diſtractions of the Kingdom to be great, have thought fit to explain and remonſtrate to the World the Grounds of their Proceedings, and the Cauſes of theſe Diſtractions, in theſe enſuing Particulars.

1. The Root of the miſchievous Deſigns.

An. 1642.

2. The Maturity to which they had attained before the beginning of this Parliament.

3. The effectual Means which hath been uſed for the extirpation of thoſe deſperate Evils, by the progreſſion which therein hath been made by the Wiſdom of the Parliament.

4. The Ways of oppoſition by which that Progreſs is interrupted.

5. The Courſes to be taken for the removing of theſe Obſtacles, and for the accompliſhing of our faithful Endeavours of reſtoring the ancient Honour, Greatneſs and Security of this Crown and Nation: The Root of all this Miſchief, we find to be a malignant Deſign of ſubverting the Fundamental Laws, upon which the Religion and Juſtice of this Nation are firmly eſtabliſhed.

The Actors hereof have been,

1. The Papiſts which hate the Laws as the Obſtacles of that ſubverſion of Religion which they ſo much long for.

2. Such Counſellors and Courtiers, as for private Ends have engaged themſelves to further the Intereſts of Foreign Princes or States, to the Prejudice of his Majeſty and the State at Home.

The common Principles by which they govern their Actions, are theſe;

1. To maintain continual Differences betwixt the King and the People, upon Queſtions of Prerogative and Liberty, that ſo they may gain to themſelves and their Parties the greateſt Places of Truſt and Power in the Kingdom.

2. To ſuppreſs the Purity of Religion, and ſuch Perſons as were beſt affected to it.

3. To diſaffect the King to Parliaments, by Slanders and falſe Imputations; and by putting him upon other Ways of Supply, which in ſhew were fuller of Advantage than the ordinary courſe of Subſidies, which indeed have been the greateſt Cauſe of theſe Troubles and Diſtractions under which we ſuffer.

Here are the Authors and Cauſes of theſe Diſtempers made manifeſt, now it is neceſſary to declare how far theſe Miſchiefs have extended.

Former Relations, and precedent Declarations, have made ſome apparent; but yet ſo great is the Power of Ambition, that the Infliction and Execution of the Law upon *Strafford*; the Durance and Impriſonment of divers others of that Faction, can no way deter them from uſing all Means to perfect their Deſigns; and finding no way ſo apt for their Purpoſes, as to foment Jealouſies between the King and Parliament, they have caſt many odious Scandals upon the Proceedings of Parliament: Nay, ſo far has their Treachery extended, that they have ſeduced divers Members of the Parliament, namely, *Spencer* Earl of *Northampton*, *William* Earl of *Devonſhire*, *Henry* Earl of *Monmouth*, *Charles* Lord *Howard* of *Cheſterton*, *Robert* Lord *Rich*, *Charles* Lord *Grey* of *Ruthen*, *Thomas* Lord *Coventry*, and *Arthur* Lord *Capell*, who are impeach'd for theſe high Crimes and heinous Miſdemeanours following.

1. That contrary to their Duty, they being Peers of the Realm, and ſummoned by Writ to attend the Parliament; and contrary to an Order of the Houſe of Peers, of the 9*th* of *April* laſt, and ſeveral other Orders, requiring their Attendance on the ſaid Houſe, they, without leave departed, and left the Service of the Houſe.

2. That after a Vote paſſed in both Houſes, the 20*th* of *May* laſt, that the King ſeduced by wicked Counſel, intends to make War againſt his Parliament, *&c.* It was voted, That the departure of theſe nine Lords without leave, at ſuch a time when the Houſe had declared, that the King intended to make War againſt his Parliament; and their ſtill continuing at *York*, notwithſtanding their Summons and Command, is a high Affront and Contempt of both Houſes; and that the ſaid Lords did as much as in them lay, that the Buſineſs of Parliament might to be deſerted, and are juſtly ſuſpected to promote War againſt the Parliament.

For that they having, by another Order of the 30*th* of *May*, been duly ſummoned by the Houſe of Peers, to make their Appearance before that Houſe, upon the 8*th* day of *June* laſt paſt: they refuſed to appear, and returned a ſcornful Anſwer, by a Letter under their Hands, directed to the Speaker of the Lords Houſe, and remaining there upon Record.

For which Crimes and Miſdemeanours, (they tending to the Diſſolution of the Parliament, and Diſturbance of the Kingdom) it is demanded by the Commons,

That

That the ſaid Lords may be brought to their Anſwer, and receive ſpeedy and exemplary Puniſhment, according to their Demerits. 18 *Car.*

Ordered by the Lords and Commons aſſembled in Parliament, that this be printed and publiſhed.

HEN. ELSING Cler. Parl. Dom. Com.

The Speech of Denzel Holles *Eſq; delivered at the Lords Bar, Wedneſday the* 15*th of* June, *upon the Impeachment of the Earls of* Northampton, *&c.*

My Lords,

BY the Command of the Knights, Citizens and Burgeſſes of the Houſe of Commons, I come hither unto your Lordſhips, in behalf of the Parliament, or rather in behalf of the whole Kingdom, labouring with much Diſtraction, many Fears, great Apprehenſions of Evil and Miſchief intended againſt it; and now hatching and preparing, by that Malignant Party, which thirſts after the Deſtruction of Religion, Laws and Liberty; all which are foulded up, cheriſhed, and preſerved in the careful Boſom of the Parliament.

My Lords, The Parliament is the Foundation and Baſis of Government, and conſequently of the Peace and Happineſs of the Kingdom. As it creates the Law by which we are ruled and governed in Peace and Quietneſs, ſo it preſerves the Law in Power and Authority: It watches over our Religion, that it be not ſupplanted and changed by ſuperſtitious Innovations; the Truth and Subſtance of it eaten up with Formality, vain Pomp, and unneceſſary Ceremonies; the groſs Errors of Popery and Arminianiſm impoſed upon us as the Doctrine of our Church: A Way opened to all Licentiouſneſs; and occaſion hereby taken to oppreſs and perſecute all Religious and Conſcientious Men that ſhall oppoſe theſe Proceedings, (as hath been uſed of late). It is the *Conſervative* of the Rights and Liberties of the Subject, and the *Corrective* of Injuſtice and Oppreſſion, whereby equal Right is diſtributed to all, and every Man hath that benefit and protection of Juſtice which is due unto him: It is that by which alone common Neceſſities can be provided for, and publick Fears prevented; So that I may ſay, not only the Peace and Happineſs, and Well-being, but the very Being of this Kingdom, can have no other Bottom to ſtand upon but the Parliament, it being the Foundation upon which the whole Frame of the Common-Wealth is built.

Therefore thoſe who would deſtroy the Building, apply themſelves to undermine the Foundation. If they can take away Parliaments, or but weaken the Power and Authority of Parliament; which is all one, (for if it once have no Power, it will ſoon have no Being) they know then all will be at their Mercy, nothing will ſtand in their way to oppoſe them, but a Flood of Violence will run over, and cover the whole Surface of the Kingdom, and carry away all, both preſent Enjoyment, and future Hope of Religion, Liberty, and whatſoever elſe is precious and dear unto us.

And accordingly, it hath ever been the Policy of evil Counſellors (who are the greateſt Enemies we have in the World, or can have) to ſtrike at Parliaments, keep off Parliaments, break Parliaments, or divide Parliaments, by making Factions, caſting in Diverſions and Obſtructions to hinder and interrupt Proceedings of Parliament; all againſt the Parliament.

Your Lordſhips have had experience of this Truth this Parliament; a Succeſſion of Deſigns upon it: Firſt to awe it. and take away the Freedom of it by the Terror of an Army; then to bring Force againſt it, actually to aſſault it, and with the Sword cut in ſunder this only Band, which ties and knits up King and People, the People among themſelves, and the whole Frame of this Government in one firm, and I hope indiſſoluble Knot of Peace and Unity.

God diverted thoſe Deſigns, did blow upon them; preſently another is ſet upon, which was to obſtruct and hinder our Proceedings, that in the mean time the Flame of Rebellion might conſume the Kingdom of *Ireland*; and Diſtempers, Diſtractions and Jealouſies be fomented here at Home, to tear out the Bowels of this Kingdom; the Parliament being diſabled from helping it, by occaſion of ſo many Diverſions, ſo much Buſineſs cut out unto it; many Obſtructions and Difficulties,

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culties, especially that great One, from which all the rest receive Countenance and Support, his Majesty absenting himself, not concurring with us, and so with-drawing both his Presence and Influence, by which means such Remedies could not be applied, as were necessary; and what was done, was done with infinite Trouble to the Parliament, and excessive Charge to the Subject, double, treble, what otherwise would have served the turn: So the Subject is grieved and oppressed with Charge, and the Blame of all is laid upon the Parliament, and the Parliament unjustly said to be the Cause of all those Evils, which the Authors of them had made so great, and so confirmed and secured by the frequent Interruptions of the Parliament, that they could not suddenly nor easily be suppressed or removed.

Well, but by God's infinite Blessing, the Parliament was in a fair possibility to wade through this likewise; And though the Night had been black and stormy, some Day began to appear: Miraculously our Arms have prospered in *Ireland*, and, God be praised, the malevolent Practices of these Vipers at Home, as they appeared, were in some sort mastered; and the Parliament began to act and operate towards the settling of the great Affairs both of Church and State, and providing for the Defence and Safety of this Kingdom, against either Foreign Invasion, or any stirring of the disaffected Party among our selves.

Then three ways are together assayed for the weakning and invalidating the proceeding and Power of the Parliament, and making way for the utter subversion of it.

One Force is gathered together at *York*, under pretence of a Guard for his Majesty's Person, to make an Opposition against the Parliament, and by a strong Hand to support and protect Delinquents, so as no Order of Parliament can be obeyed, but on the other side is slighted and scorned, to make the Parliament of no Reputation, to be but *Imago Parliamenti*, a meer Shadow, without Substance, without Efficacy.

Another, to send out in his Majesty's Name, and as Declarations and Messages from him, bitter Invectives against the Parliament, to perplex it, and engage it in the expence of Time to answer them: And besides, cunningly to insinuate, and infuse into the People by false Colours and Glosses, a disopinion and dislike of the Parliament, and if it be possible, to stir up their Spirits to rise against it, to destroy it (and in it all other Parliaments) to the ruin of themselves, their Wives and Children.

The third Plot is, The Members are drawn away, and perswaded to forsake their Duty and Attendance here, and go down to *York*; thereby to blemish the Actions of both Houses, as done by a few and an inconsiderable number, and rather a Party than a Parliament; and perhaps, to raise and set up an Anti-Parliament there.

My Lords, This is now the great Design, whereby they hope, by little and little, the Parliament shall even bleed to death, and moulder to nothing, the Members dropping away one after another. A desperate and dangerous Practice, and as your Lordships well observed, (when you were pleased to communicate this Business to us) an effect of the evil Counsels, now prevailing and tending to the dissolution of the Parliament; Of this *Parliament*, which under God must be the Preserver of three Kingdoms, and keep them firm and loyal to their King, subject to his Crown, save them from being turned into a Chaos of Disorder and Confusion, and made a dismal Spectacle of Misery and Desolation. This Parliament, which is the last hope of the long oppressed, and in other Countries even almost wholly destroyed, Protestant Religion: This Parliament, which is the only Means to continue us to be a Nation of Free-men and not Slaves, to be Owners of any thing; That we may call our Wives, our Children, our Estates, nay our Bodies our own: In a word, which must stand in the Gap to prevent an Inlet and Inundation of all Misery and Confusion.

My Lords, This Parliament they desire to destroy: but I hope it will destroy the Destroyers, and be a Wall of Fire to consume them, as it is a Wall of Brass to us, to defend King and Kingdom, us, and all we have.

Your *Lordships* wisely foresaw this Mischief, and as wisely have endeavoured to prevent it, by making your Orders to keep your Members here, as that of the 9*th* of *April*, and several other Orders enjoining them all to attend; thereby restraining them from repairing to *York*, where the Clouds were observed to gather

18 *Car.*

ther ſo faſt, and threaten a Storm, and ſuch Preparations to be made againſt the Parliament, that it neceſſitated both *Houſes* to paſs a Vote; *That the King, ſeduced by wicked Counſel, intended to make War againſt the Parliament; and all who ſhall ſerve or aſſiſt in ſuch Wars, are declared to be Traitors:* which Vote paſt the 20*th* of *May*; ſo ſetting a mark upon that Place, and their Opinion concerning thoſe who ſhould at this time reſort thither.

Yet now in ſuch a *Conjuncture* of Time, when the Kingdom had never more need of a Parliament, and the Parliament never more need of all the help and aſſiſtance of the beſt Endeavour and Advice of every *Member*, the Safety and even Being of the three *Kingdoms* depending upon it; after ſuch *Orders* and *Commands* of your Lordſhip's Houſe to the contrary, ſuch a *Vote* of both Houſes, and expreſly againſt their Duty, being called thither by Writ under the Great Seal, which is the King's greateſt and higheſt Command, and not controulable nor to be diſpenſed with by any other Command from him whatſoever, and called to treat and conſult *de arduis Regni*, the great urging and preſſing Affairs of the Kingdom, never more urgent, never more preſſing; Notwithſtanding all this, theſe Lords, the Earls of *Northampton*, *Devonſhire*, *Dover*, *Monmouth*, and the Lords *Rich*, *Andover*, *Grey*, *Coventry* and *Capel*, have left their Stations, withdrawn themſelves, and are gone to *York*, and being ſummoned to appear by an *Order* of the 30*th* of *May*, inſtead of Obedience, return a *Refuſal* by a *ſlighting* and *ſcornful Letter*, which hath been ſo adjudged both by your Lordſhips and the Houſe of Commons.

My Lords; The Houſe of Commons hath likewiſe upon the Conſideration and Debate of this Buſineſs, finding it ſo much to concern the *Safety* of the *Kingdom*, and the very *Being* of the Parliament, paſſed this Vote.

That the departing of theſe nine Lords from the Parliament, without leave, after ſuch time as both Houſes had declared, That the King, ſeduced by wicked Counſel, intended to make War againſt the Parliament; and their ſtill continuing at York, *notwithſtanding their Summons and Command, is a high Affront and Contempt of both Houſes; and that the ſaid Lords therein, did as much as in them lay, that the Service of Parliament might be deſerted, and are juſtly ſuſpected to promote a War againſt the* Parliament.

And the Houſe in further Proſecution of their Duty in this particular, and in purſuance of their *Proteſtation*, which obliges them to endeavour to bring to condign Puniſhment all ſuch high Offenders againſt, not only the *Priviledges*, but the very *Eſſence* of Parliament, have ſent me up to impeach theſe Lords, and deſire that ſpeedy and exemplary Juſtice may be done upon them.

And accordingly, 'I do here in the Name of the *Knights, Citizens* and *Burgeſſes* of the *Commons Houſe* aſſembled in *Parliament*, and in the Name of all the *Commons* of *England*, impeach *Spencer* Earl of *Northampton*, *William* Earl of *Devonſhire*, *Henry* Earl of *Dover*, *Henry* Earl of *Monmouth*, *Charles* Lord *Howard* of *Charlton*, *Robert* Lord *Rich*, *Charles* Lord *Grey* of *Ruthen*, *Thomas* Lord *Coventry* and *Arthur* Lord *Capel*, for theſe high *Crimes* and *Miſdemeanours* following, *viz.*

'For that, contrary to their Duty, they being Peers of the Realm, and ſummoned by Writ to attend the Parliament, and, contrary to an *Order* of the Houſe of Peers of the 9*th* of *April* laſt, and ſeveral other *Orders*, requiring the Attendance of the Members of that Houſe, and after a *Vote* paſt in both Houſes the 20*th* of *May* laſt, That the King, ſeduced by wicked Counſel, intended to make War againſt the Parliament, and that whoſoever ſerved or aſſiſted him in that War, was adjudged a Traitor, did notwithſtanding afterwards in the ſame Month of *May*, contemptuouſly, having notice of the ſaid *Votes* and *Orders*, withdraw themſelves from the ſaid Houſe of Peers, and repair to the City of *York*, where the Preparations of the ſaid War were, and yet are, in contrivance and agitation, they knowing of ſuch Preparations: and being by an *Order* of the 30*th* of *May* duly ſummoned by the Houſe of Peers, to make their Appearance before that Houſe upon the 8*th* day of *June* laſt paſt, they refuſed to appear, and returned a *ſcornful Anſwer* by a Letter under their hands, directed to the *Speaker of the Lords Houſe*, and remaining there upon Record.

'For

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'For which *Crimes* and *Miſdemeanours* to the Interruption of the Proceedings 'of Parliament, and great Affairs of the Kingdom, and tending to the Diſſo- 'lution of the Parliament, and Diſturbance of the Peace of the Kingdom, I 'am commanded in the Name of the ſaid Commons, to demand of your *Lord-* 'ſhips, That the ſaid *Lords* may be forthwith put to their Anſwer, and receive 'ſpeedy and exemplary Puniſhment, according to their Demerits.

'The Commons ſaving to themſelves Liberty at all times hereafter, to ex- 'hibit any other or further Impeachment or Accuſation againſt the ſaid *Lords*, 'or any of them.

[Upon this Impeachment they afterwards paſſed this Judgment, *viz.*]

Die Mercurii 20 Julii, 1642.

The Sentence againſt the Lords that went to *York*.

THE Commons with their Speaker came this day to the Bar, and demanded Judgment in their own Names, and in the Names of all the Commons of *England*, againſt *Spencer* Earl of *Northampton*, *William* Earl of *Devonſhire*, *Henry* Earl of *Dover*, *Henry* Earl of *Monmouth*, *Charles* Lord *Howard* of *Charlton*, *Robert* Lord *Rich*, *Charles* Lord *Grey* of *Ruthen*, *Thomas* Lord *Coventry*, *Arthur* Lord *Capel* (Members of this Houſe) formerly impeached by them before the Lords in Parliament.

[At which time, the Lords being in their Robes, the Lord *Kimbolton* Speaker *pro tempore*, pronounced the Sentence againſt the ſaid nine Lords, *viz.*]

'WHereas *Spencer* Earl of *Northampton*, *William* Earl of *Devonſhire*, *Henry* 'Earl of *Dover*, *Henry* Earl of *Monmouth*, *Charles* Lord *Howard* of '*Charlton*, *Robert* Lord *Rich*, *Charles* Lord *Grey* of *Ruthen*, *Thomas* Lord *Coventry*, 'and *Arthur* Lord *Capel*, were the 16*th* of *June* 1642, impeached by the 'Knights, Citizens and Burgeſſes of the Houſe of Commons for theſe high 'Crimes and Miſdemeanours following, *viz.* For that, contrary to their Duty, 'they being Peers of the Realm, and ſummoned by Writ to attend the Parlia- 'ment; and contrary to an Order of the Houſe of Peers of the 9*th* of *April* 'laſt, and ſeveral other Orders requiring the Attendance of the Members of 'that Houſe, and after a Vote paſſed in both Houſes the 20*th* of *May* laſt, That 'the King, ſeduced by wicked Counſel, intended to make War againſt the 'Parliament; and that whoſoever ſerved or aſſiſted him in that War, was ad- 'judged a Traitor, did notwithſtanding afterwards in the ſame Month of *May* 'contemptuouſly, having notice of the ſaid Votes and Orders, withdraw them- 'ſelves from the ſaid Houſe of Peers, and repair to the City of *York*, where 'the Preparations of the ſaid War were, and yet are in Contrivance and 'Agitation, they knowing of ſuch Preparations: And being by an Order of the '30*th* of *May* duly ſummoned by the Houſe of Peers, to make their Appea- 'rance before that Houſe upon the 8*th* day of *June* laſt paſt, they refuſed to ap- 'pear, and returned a ſlighting and ſcornful Anſwer by a Letter under their hands, 'directed to the Speaker of the Lords Houſe, and remaining there upon Record. 'For which Crimes and Miſdemeanours to the Interruption of the Proceedings 'of Parliament, and great Affairs of the Kingdom, and tending to the Diſſolu- 'tion of the Parliament, and Diſturbance of the Peace of the Kingdom. 'The ſaid Knights, Citizens and Burgeſſes do demand, That the ſaid *Spencer* 'Earl of *Northampton*, *William* Earl of *Devonſhire*, *Henry* Earl of *Dover*, *Henry* 'Earl of *Monmouth*, *Charles* Lord *Howard* of *Charlton*, *Robert* Lord *Rich*, *Charles* 'Lord *Grey* of *Ruthen*, *Thomas* Lord *Coventry*, and *Arthur* Lord *Capel*, ſhould 'be put to their Anſwers, and receive exemplary Puniſhment, according to their 'Demerits. And whereas it was ordered upon the ſaid 16*th* of *June*, That the ſaid '*Spencer* Earl of *Northampton*, *William* Earl of *Devonſhire*, *Henry* Earl of *Dover*, '*Henry* Earl of *Monmouth*, *Charles* Lord *Howard* of *Charlton*, *Robert* Lord *Rich*, '*Charles* Lord *Grey* of *Ruthen*, *Thomas* Lord *Coventry*, and *Arthur* Lord *Capel*, 'ſhould appear before the Lords in Parliament, and make their ſeveral Anſwers 'before their Lordſhips on Monday the 27*th* of the ſaid *June* to the ſaid Im- 'peachment, or elſe this Houſe would proceed to Judgment againſt them 'by Default. And whereas the ſaid *Spencer* Earl of *Northampton*, *William*

'Earl

'Earl of *Devonshire*, *Henry* Earl of *Dover*, *Henry* Earl of *Monmouth*, *Charles* 18 *Car.*
'Lord *Howard* of *Charlton*, *Robert* Lord *Rich*, *Charles* Lord *Grey* of *Ruthen*, *Thomas*
'Lord *Coventry*, and *Arthur* Lord *Capel*, in Contempt of this High Court,
'have refused to appear and make Answer to the said Impeachment.

'The Lords having taken the said Charge into their due Consideration, do
'find the said *Spencer* Earl of *Northampton*, *William* Earl of *Devonshire*, *Henry*
'Earl of *Dover*, *Henry* Earl of *Monmouth*, *Charles* Lord *Howard* of *Charlton*,
'*Robert* Lord *Rich*, *Charles* Lord *Grey* of *Ruthen*, *Thomas* Lord *Coventry*, *Arthur*
'Lord *Capel*, guilty of the Crimes charged as aforesaid. And thereupon, and
'for their said Contempt this High Court doth award and adjudg,

1. 'That *Spencer* Earl of *Northampton*, *William* Earl of *Devonshire*, *Henry* Earl
'of *Dover*, *Henry* Earl of *Monmouth*, *Charles* Lord *Howard* of *Charlton*, *Robert*
'Lord *Rich*, *Charles* Lord *Grey* of *Ruthen*, *Thomas* Lord *Coventry*, *Arthur* Lord
'*Capel*, shall not sit or vote in the Lords House during this present Parlia-
'ment.

2. 'That they shall not enjoy the Priviledg of Parliament as Members of
'Parliament.

3. 'That they shall stand committed to the *Tower* during the Pleasure of this
'House.

Propositions and Orders by the Lords and Commons in Parliament, for bringing in of Money or Plate *to maintain Horse, Men and Arms for the Preservation of the Publick Peace, and for the Defence of the King and both Houses of Parliament.*

The Parliament's Propositions for Money, Plate, &c. *June* 10, 1642.

WHereas it appears that the King (seduced by wicked Counsel) intends to make War against his Parliament, and in pursuance thereof under a pretence of a Guard for his Person, hath actually begun to levy Forces both of Horse and Foot, and sent out Summons throughout the County of *York*, for the calling together of great numbers, and some ill-affected Persons have been employed in other Parts to raise Troops under the colour of his Majesty's Service, making large Offers of Reward and Preferment to such as will come in. And that his Majesty doth with a high and forcible Hand protect and keep away Delinqnents, not permitting them to make their Appearance to answer such Affronts and Injuries as have been by them offered to the Parliament, and those Messengers sent from the Houses for them, have been abused, beaten and imprisoned, so as the Orders of Parliament, which is the highest Court of Justice in this Realm, are not obeyed, and the Authority of it is altogether scorned and vilified; and such Persons as stand well-affected to it, and declare themselves sensible of these publick Calamities, and of the Violation of the Priviledges of Parliament, and common Liberty of the Subject are baffled and injured by several sorts of malignant Men who are about the King, some whereof under the Name of Cavaliers, without having respect to the Laws of the Land, or any fear either of God or Man, are ready to commit all manner of Outrage and Violence, which must needs tend to the Dissolution of this Government, the destroying of our Laws, Liberties and Propriety: All which will be exposed to the Malice and Violence of such desperate Persons as must be employed in so horrid and unnatural an Act as the overthrowing of a Parliament by Force, which is the Support and Preservation of them; all which being duly considered by the Lords and Commons, and how great an Obligation lies upon them in Honour, Conscience and Duty, according to the high Trust reposed in them, to use all posible means in such cases, for the timely prevention of so great and irrecovereable Evils, they have thought fit to publish their Sense and Apprehension of this imminent danger, thereby to excite all well-affected Persons to contribute their best Assistance according to their solemn Vow and Protestation to the Preparations necessary for the opposing and suppressing of the Traiterous Attempts of these wicked and malignant Counsellors, who seek to engage the King in so dangerous and destructive an Enterprize, and the whole Kingdom in a Civil War, and destroy the Priviledges and Being of Parliaments. This recourse to the good Affections of those that tender their Religion and just Liberties, and the Enjoyment of the blessed Fruits of this present

An. 1642. preſent Parliament which were almoſt ready to be reaped, and are now as ready to be ruined by thoſe wicked Hands, being the only Remedy left them under God, and without which they are no longer able to preſerve themſelves, or thoſe by whom they are intruſted.

1. They the ſaid Lords and Commons do declare, That whoſoever ſhall bring in any proportion of ready Money, or Plate, or ſhall underwrite to furniſh and maintain any number of Horſe, Horſe-men and Arms for the Preſervation of the Publick Peace, and for the Defence of the King and both Houſes of Parliament from Force and Violence, and to uphold the Power and Priviledges of Parliament, according to his Proteſtation, it ſhall be held a good and acceptable Service to the Common-wealth, and a Teſtimony of his good Affection to the Proteſtant Religion, the Laws, Liberties and Peace of this Kingdom, and to the Parliament, and Priviledges thereof.

And becauſe a conſiderable Aid cannot be raiſed by few hands, and the Condition of all Mens Eſtates and Occaſions is not always proportionable to their Affections, the Lords and Commons do declare, That no Mans Affection ſhall be meaſured according to the proportion of his Offer, ſo that he expreſs his good Will to this Service in any Proportion whatſoever.

2. And it is further declared by the Lords and Commons in Parliament, That whoſoever ſhall bring in any Money or Plate, or ſhall furniſh and maintain any Horſe, Horſe-men and Arms for the Purpoſes aforeſaid, ſhall have their Money repaid with Intereſt, according to 8 *l. per Cent.* and the full value of their Plate, with Conſideration for the Faſhion, not exceeding one Shilling by the Ounce, and ſhall have full Recompence for all their Charge in finding, furniſhing and maintaining of Horſe, Horſe-men and Arms; and for this both Houſes of Parliament do engage the Publick Faith.

3. And it is ordered, That *John Wollaſton* Knight, and Alderman *Towes*, Alderman *Warner*, and Alderman *Andrews*, ſhall be Treaſurers to receive all ſuch Money and Plate as ſhall be brought in for the Purpoſes aforeſaid, and the Acquittances of them, or any two of them, for the Receipt of the ſame, ſhall be a ſufficent ground for the Party ſo lending Money or Plate, to demand the ſame again with the Intereſt, and likewiſe Conſideration for the Faſhion of the Plate.

4. It is ordered, That ſhall be Commiſſaries to value the Horſe and Arms that ſhall be furniſhed for this Service, and that a Signification under the Hands of them, or any two of them, of ſuch Values of the Horſe and Arms, and of the time when they were firſt brought in, ſhall be a Warrant to demand Satisfaction according to the ſaid Values, and they ſhall keep an account of the time from their firſt Inrollment of any ſuch Horſe and Horſe-men, that ſuch as find and maintain them may be repayed according to the Rate of 2 *s.* 6 *d. per diem* for ſo long time as they have maintained them in their Service; and the Commiſſioners are to attend at *Guild-Hall* for the receiving and enrolling of ſuch numbers of Horſe as ſhall be brought in.

5. It is ordered, That whoſoever ſhall bring in Money or Plate, or ſhall provide and maintain Horſe, Horſe-men and Arms for this Service, ſhall do according to their Duty therein. And the Lords and Commons do engage the Power and Authority of Parliament to ſave them harmleſs from all Prejudice and Inconvenience that may befall them by occaſion thereof.

6. It is ordered, That the Members of either Houſe who are preſent, ſhall be deſired to declare in their Houſes reſpectively what Money or Plate they will bring in, or what Horſe, Horſe-men and Arms they will find and maintain.

It is deſired, That all ſuch as have their Reſidence in or about *London*, or within eight Miles, will bring in their Money, Plate or Horſe within a Fortnight after notice; and they that dwell further off, within three Weeks.

And becauſe every Perſon may not be provided with preſent Money, or with Horſe, or not have his Plate with him which he means to bring in, and yet reſolves to contribute his part within the time limited, and that it is neceſſary it ſhould be preſently known what the Proviſion will be for the effecting of this great and important Service. It is ordered, 1. That the Committees of either Houſe appointed for that purpoſe reſpectively, ſhall receive the Subſcriptions of ſuch Members of each Houſe, as have not declared themſelves in the Houſe, or are abſent upon the publick Service, or for their private Occaſions. 2. That the Committee of *London*, intruſted with the *Militia*, ſhall receive the Subſcriptions

ſcriptions in *London* and *Middleſex*. And, 3. that ſome Perſons nominated by the Knights and Burgeſſes of each County, and approved by both Houſes, ſhall be appointed to receive the Subſcriptions in the ſeveral Counties. 18 *Car.*

And laſtly, it is declared, That whatſoever is brought in, ſhall not at all be employed upon any other Occaſion, than to the Purpoſes aforeſaid, which are to maintain the Proteſtant Religion, the King's Authority and his Perſon in his Royal Dignity, the free Courſe of Juſtice, the Laws of the Land, the Peace of the Kingdom, and the Priviledges of Parliament, againſt any Force which ſhall oppoſe them: And this by the Direction of both Houſes of Parliament.

Two Letters ſent from Amſterdam, *and read in both Houſes of Parliament, the* 11*th of* June 1642, *and ordered to be printed.*

Amſterdam, June *the* 12*th New-Stile, that is the* 2*d Old-Stile.*

Diſcovery of Ammunition raiſed beyond Sea for the King.

I Cannot learn that any Jewels more are pawned than I have formerly expreſſed; neither of the ſale of any Jewels, ſave divers Collars of Pearl; part of the Proceed is remitted for *London*, a large Sum having been offered me by the Party above-mentioned; and I take the reſt will be imployed in Warlike Munition, expreſſed in the incloſed Note which I had drawn out of the Original Commiſſion, which Hand was well known to me. All muſt be ſpeedily furniſhed; and, if for the preſumed Service, it's not like the Diſtempers here will be appeaſed without ſhedding Blood, which God avert. I do purpoſe to lay wait in what Ships the ſaid Munition will be laden; which ſhall be adviſed, if you do think fit to give any notice hereof to the Parliament.

I pray let my Name be concealed, *(pour eviter le titre d' eſpion)*: although I do with Zeal and Ardour affect the good Cauſe, yet would I not willingly be ſeen in this manner. In writing hereof, I underſtand, by an Eye-witneſs, that all the Jewels are brought here again to be pawned, and amongſt them the great Coller of Rubies fetch'd from *Hamb.* Alſo the three Brethren, four or five very great Diamonds, with divers more, but no Money to be had thereupon in this place, as the Party imployed therein, doth tell me: So it's like ſome will be ſtaked until the Munition for War ſhall be ſatisfied, whereof I have heard an inkling. I did ſee Mr. *Webſter* meaſuring or looking upon a Mortar to ſhoot Fire-balls of the wideneſs or breadth of the incloſed Thread, weighing 4800 pounds; I hope *England* will have no need of ſuch *tormenta bellica*, which I believe have not been uſed there in any Age. Mr. *J. W.* doth haſten exceedingly with all theſe things. The Piſtols I underſtand are provided.

The ſecond Letter from Amſterdam, June *the* 12*th* New-Stile, June *the* 2*d* Old-Stile.

To John Beauchamp *Merchant of* London.

FOR the Cloth-Trade at preſent, I would adviſe you to write to him wholly not to buy in a Piece at preſent, although he pretends loſing his Workmen, or the like. For loſing his Workmen, I doubt at this time Money is not ſo riſe in that Country, and Men ſo forward to buy: that I think little fear, but that if he turns them off, or leave buying, his Workmen will be glad to come again at more ſettled Times, and it may be ſell better cheap: Therefore above all Excuſes, as the State ſtands, write him abſolutely not to take off any until further Advice; for if things go badly there, and come to Pillaging or Deſtruction, you ſhould have all the Cloth he had in the Houſe, to be reckoned to be your Cloth.

I fear a Storm to ariſe in the North, and I ſee it daily grow blacker and darker; for ſtore of Monies is made over to be ſent thither, witneſs the riſing of the Exchange here ſo ſuddenly; and at preſent here is Order to buy ſtore of Piſtols for Horſemen, and Powder, and near upon twenty Braſs Pieces to be ſent for the North Parts; but the Order is not from the Parliament.

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A Liſt of the Ammunition as followeth.

FOur Pieces of Battery of 18 pound Bullet.
One Piece carrying 12 pound Bullet.
One Piece carrying 8 pound Bullet.
Two Culverins carrying 8 pound Bullet.
Six Field-pieces carrying 6 pound Bullet.
Two Morter-pieces.
For Granadoes ſixteen.
An hundred Barrels of Powder.
Carriages.
Two thouſand Piſtols ready furniſhed.
Harneſs for Draught-horſes.
A thouſand Carbines.
Three thouſand Saddles.
Bullets, Ladders, Spunges.
The Morter-pieces are a foot and an half diameter at the Mouth, Mettle and all, ſhooting Granadoes of 11 or 12 Inches.

A Note of the Arms ſent for from Amſterdam.

C. R.

TWO hundred Fire-locks.
Four pieces of Cannon for Battery, *viz.*
One Demi-Cannon.
Two whole Culverin.
Two Mortars.
Four Petards.
Ten Field-pieces of ſix pound Bullet mounted.
One hundred Barrels of Powder.
Round Shot and Caſe proportioned to the ſeveral Pieces.
Two thouſand pair of Piſtols.
One thouſand Carbines.
Three thouſand Saddles.
Three thouſand Muſquets.
One thouſand Pikes.

An Order of Parliament to ſtay all Arms and Ammunition going to the North.

Die Sabbathi, 11 *Junii* 1642.

IT is this day Ordered, by the Lords in Parliament aſſembled, That a *ſtrict Search* and Examination ſhall be made by the Juſtices of the Peace, Mayors, Bailiffs, Conſtables, and other his Majeſty's Officers, inhabiting or near-adjoining to all the *Northern Roads*, for the ſtopping and *ſtaying of all Arms, Ammunition*, Powder, Light-horſes, or Horſes for Service in the Wars; and great Saddles that are or ſhall be carried towards the Northern Parts of *England, but by the Privity and Direction* of one or both of the Houſes of Parliament; and that the ſaid Officers ſhall ſtay them accordingly, and ſpeedily give information thereof unto one of the Houſes of Parliament.

Die Mercurii, 15 *Junii* 1642.

ORdered by the Lords in Parliament, that this Order ſhall be printed and publiſhed.

JOHN BROWNE Cleric. Parl.

CHARLES R.

To our Truſty and Well-beloved, the Lord Mayor, Aldermen and Sheriffs of our City of London.

'TRuſty and Well-beloved, We greet you well. Whereas We have received ſeveral Informations of great Sums of Money endeavoured to be 'borrowed of our City of *London*, by ſome Direction proceeding from both our 'Houſes of Parliament: And likewiſe that great Labour is uſed to perſwade 'our Subjects to raiſe Horſe, and to furniſh Money, upon pretence of providing 'a Guard for our Parliament; Theſe are to let you know, that (notwithſtanding any ſcandalous Votes which have preſumed to declare our Intention of le-

'vying

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'vying War againſt our Parliament, and to lay other Aſperſions on Us, ſo fully diſavowed by Us in the preſence of Almighty God, by Our ſeveral Anſwers and Declarations) all our Deſires and Purpoſes are for the publick Peace, and 'that We have not the leaſt thought of raiſing or uſing Force, except We are 'compelled to it for the Defence of our Perſon, and in Protection of the Law: And therefore We muſt expect, that you ſuffer not your ſelves to be miſled by 'ſuch vain and improbable Suggeſtions; and do declare, That if you ſhall lend 'any Sums of Money toward the Relief of *Ireland*, (to which We have contri-'buted all the Aſſiſtance could be deſired of Us, which way ſoever the Money 'given and raiſed to that purpoſe is diſpoſed) or towards the paiment of our 'Scots Subjects, We ſhall take it as an acceptable Service at your Hands; but 'if upon general Pretences contrived by a few factious Perſons againſt the Peace 'of the Kingdom, you ſhall give or lend any Money, or provide or raiſe any 'Horſes or Arms towards the raiſing ſuch a Guard, We ſhall look upon it as 'raiſing Force againſt Us, and to be done in Malice and Contempt of Us 'and Our Authority. And We do therefore ſtraitly charge and command you, 'to publiſh this our Letter to the ſeveral Maſters and Wardens of the ſeveral 'Companies, that they may be aſſured, that ſuch Money as they ſhall lend out 'of their good Affection to the Kingdom, may be only imployed for *Ireland* or '*Scotland*, and not toward ſuch Guards, which (in truth) are intended by the 'Contrivers of that Deſign, (though We believe many honeſt Men ſeduced by 'them do not yet ſee their End) to be employed againſt Us: And if you and 'they ſhall herein fail punctually and ſeverally to obſerve our Commands, We 'ſhall not only proceed againſt the ſeveral Companies for deceiving the Truſt 'repoſed in them, but againſt the particular Perſons, as Contemners and Oppo-'ſers of our Authority, and of the Law of the Land, in the moſt exemplary 'way the known Law of the Land ſhall preſcribe to Us; and ſhall be compel-'led to queſtion the Charter of your City, which We are willing yet to believe '(notwithſtanding the barbarous and inſolent Demeanour of the meaner and 'baſer Sort) in a good degree to continue Loyal to Us. And of your Obedi-'ence to theſe our Commands, We do expect and require a full Account; and of 'the Names of ſuch Perſons who ſhall oppoſe the ſame. Hereof fail not, as 'you will anſwer the contrary at your Peril.

'Given at our Court at *York*, the Fourteenth day of *June*, in the eighteenth 'Year of our Reign, 1642.

A Declaration of the Lords and Commons, concerning a Paper directed by his Majeſty to the Lord Mayor and Sheriffs of London, *dated* June *the* 14*th* 1642.

Parliaments Declaration touching the King's Meſſage to the Mayor, *&c.* June 21.

WHereas in a Paper inſcribed, *To our Truſty and Well-beloved, the Lord Mayor, Aldermen and Sheriffs of the City of* London, dated the 14*th* of *June* 1642. It is affirmed, That great Labour is uſed to perſwade his Majeſty's Subjects, to raiſe Horſe, and to furniſh Money upon pretence of a Guard for the Parliament, but in truth to be imployed againſt his Majeſty: the Lords and Commons do declare, That the Deſign of thoſe Propoſitions is, as was formerly declared, to maintain the Proteſtant Religion, the King's Authority and Perſon in his Royal Dignity, the free courſe of Juſtice, the Laws of the Land, the Peace of the Kingdom, and Priviledges of Parliament, againſt any Force which ſhall oppoſe them. And they do further declare, that as the Forces already attending his Majeſty, and the Preparation which his Majeſty is now making of Arms, Horſe and Ordnance, within his Kingdom and without, at firſt coloured under pretence of a Guard, do evidently appear to be for ſome great and extraordinary Deſign, ſo they give juſt cauſe of Fear and Jealouſy to the Parliament: And do fully juſtify thoſe Votes, of the King's Intention of levying War againſt the Parliament, to be altogether free from any imputation of Scandal, as is injuriouſly caſt upon them by that Paper: For ſo long as his Majeſty ſhall continue thoſe Levies and Preparations, the Lords and Commons having been ſo often threatned and reviled for their Proceedings about *Hull* and the Militia, ſo neceſſarily undertaken for the Good and Peace of the Kingdom, they cannot be ſecured by his Majeſty's ſolemn Proteſtation alone, expreſſed in this and other

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Declarations, that all his Deſires and Purpoſes are for the publick Peace, and that he hath not the leaſt thought of uſing Force, except he be compelled to it, for the Defence of his Perſon, and Protection of the Laws, ſeeing his Majeſty in a Declaration * publiſhed at *Heworth-More*, doth interpret the Protection of the Laws in ſuch a manner as giveth juſt and full occaſion to believe, that by protecting the Laws, his Majeſty intendeth Force upon or againſt thoſe who ſhall ſubmit to the Ordinance of the *Militia*. And becauſe it appears by divers Expreſſions and Proceedings of his Majeſty, he hath diſcovered an Intention of making ſome Attempt upon *Hull*; in both which caſes they do declare, That whatſoever Violence ſhall be uſed either againſt thoſe that exerciſe the *Militia*, or againſt *Hull*, they cannot but believe it as done againſt the Parliament.

* See this Declaration in our Chapter concerning Paſſages at *York*.

And whereas the Houſes have upon Loan received great Sums of Money for the Service of *Ireland* from the Companies of *London* (for which they give them great and hearty Thanks) they do declare, that theſe Sums ſhall be diſpended as the former have been to that only Service, notwithſtanding an Inſinuation laying an Aſperſion upon them, as if they had done otherwiſe. Further, Whereas it is declared, to the great Reproach of the Parliament, that the Sums deſired towards the raiſing of Horſe and Arms are contrived upon general Pretences by ſome few factious Perſons, we leave it to the World to judg how it is poſſible the Houſes ſhould have all their Members, ſeeing divers of them are by his Majeſty ſummoned to *York*, and there, contrary to the Law of the Land, and Priviledges of Parliament, detained, nay, protected from the Juſtice of both Houſes.

And, ſecondly, How that can poſſibly be called a Faction which is done by both Houſes of Parliament, the greateſt Court of *England*, and the moſt faithful Counſel his Majeſty hath? But at ſuch Language as this they wonder not, conſidering by what wicked Counſel his Majeſty's Affairs are guided, and by what malignant Spirits his Majeſty's Affections to the Parliament of late have been miſled.

Both Houſes well weighing the Premiſes, do forbid any Mayors, Sheriffs, Bailiffs, or other Officers whatſoever, to publiſh or ſpread that Paper, as they will anſwer their Contempt to the Parliament; and do aſſure themſelves that neither his Majeſty's Commands, nor his Threats will withdraw or deter Men well-affected to the Publick, from doing their Duty, in contributing ſuch Money, Horſe and Plate, as will be neceſſary for the preſerving of the Being of the Parliament, the Peace of the Kingdom, and thoſe other Ends before mentioned, for which they are deſired. The dangerous and miſchievous Intentions of ſome about his Majeſty being ſuch, that whatſoever is moſt precious to Men of Conſcience and Honour, as Religion, Liberty, and publick Safety, are like to be overwhelm'd and loſt in the general Confuſion and Calamity of the Kingdom; which will not only queſtion, but overthrow the *Charter* of the City of *London*, expoſe the Citizens, their Wives and Childeren, to Violence and Villany, and leave the Wealth of that City as a Prey to thoſe deſperate and neceſſitous Perſons.

The Lords and Commons, as they hope by this means thoſe horrid Miſchiefs may be prevented; ſo thoſe of the City which contribute hereunto (whereof none are ſo mean and baſe, as to deſerve the Reproaches caſt on them by that Paper.) And all his Majeſty's good Subjects, may be aſſured, that in doing their Duty herein, they ſhall be protected and ſecured in their Perſons, Liberties and Eſtates, by the Power and Authority of both Houſes of Parliament, according to their former Engagements which they will ever faithfully perform.

His Majeſty's Anſwer to a Printed Paper, Intituled, *A new Declaration of the Lords and Commons in Parliament, of the* 21ſt *of* June, 1642, *in Anſwer to his Majeſty's Letter, dated the* 14th *of* June, *and ſent to the Lord Mayor, Aldermen and Sheriffs of the City of* London.

The King's Anſwer to the laſt Declaration.

'IT ſeems by a new Declaration of the 21ſt of *Junne*, in Anſwer to Our 'Letter of 14*th* of the ſame Month to the Lord Mayor of *London*, that the 'Lords and Commons in Parliament have much more leiſure than they pretend,

'or

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'or that thoſe Perſons whom We have before deſcribed in Our former An-
'ſwers and Declarations, and of whom only We would be underſtood to
'ſpeak, think ſuch Declarations and Votes to be ſuch irreſiſtable Engines of
'of Battery againſt Us and the Law, that no Strength can oppoſe them. And
'therefore tho they will take notice from whence that Letter came, they will
'vouchſafe it no other Mention, but of a Paper (as if found by chance) in-
'ſcribed, *To Our Truſty and Well-beloved*, &c. And it is wonder, that ſince
'they have uſurped the Supream Power to themſelves, they have not taken
'upon them the Supream Stile too, and directed this very new Declaration,
'To their truſty and well-belowed their Subjects of the City of *London*; for it
'is too great and palpable a Scorn to perſwade them to take up Arms againſt
'Our Perſon, under a colour of being loving Subjects, to Our Office, and to
'deſtroy Us, that they may preſerve the King.

'They are offended that We ſhould believe, that their end of perſwading
'Our Subjects to raiſe Horſe, and to furniſh Money upon pretence of a Guard
'for the Parliament, is in truth to imploy thoſe Horſe, Men and Money againſt
'Us: Let the Reaſons of Our Belief be never ſo ſtrong, and their Actions
'never ſo evident to compel all other Men to believe ſo to. The Lords and
'Commons do declare, (think what you will, and ſee what you can) That
'the deſign of thoſe Propoſitions for raiſing Men, Horſe and Money, is
'to maintain the Proteſtant Religion, the King's Authority and Perſon in his
'Royal Dignity, the free courſe of Juſtice, the Laws of the Land, the Peace
'of the Kingdom, and Priviledges of Parliament, againſt any Force which ſhall
'oppoſe them: And this is all Men are bound to believe, tho they ſee the
'Proteſtant Religion, and the Profeſſors thereof miſerably reproached, and in
'danger of being deſtroyed by a vicious and malignant Party of *Browniſts*,
'*Anabaptiſts*, and other Sectaries (the Principal Ring-leaders of whom have too
'great a Power even with ſome Members in both our Houſes of Parliament) Our
'Authority deſpiſed, and in as much as in them lies, taken from Us, reviled in
'Pulpit and Preſſes by Perſons immediately in their Protection, and of their
'Recommendation, and our Perſon driven away by Tumults and rude Multi-
'tudes, againſt whom We can have no Juſtice; the courſe of Juſtice inter-
'rupted and ſtopped by Orders and Injunctions, never heard of till this Parlia-
'ment; the Laws of the Land trampled under foot and fruſtrated, and new Laws
'attempted to be made and impoſed upon our Subjects, without and againſt Our
'Conſent, the Peace of the Kingdom ſhaken and frightned away by diſcounte-
'nancing the Laws, abſolving (as much as in them lies) the People from the
'Rules of Government and Obedience, and even declaring a War againſt Us
'and the Laws of the Land. And laſtly, the Priviledges of Parliament ſo far
'extended, as if to the bare ſound of Privileg of Parliament, the Liberty and
'Property of the Subject, the Dignity and Certainty of the Law were in ſuch
'Subjection, as they may firſt, make what Orders they pleaſe, and in what
'caſes they pleaſe; and whoſoever diſputes thoſe Orders, and ſubmits not to
'thoſe Votes, breaks their Priviledges, and whoſoever breakes their Priviledges
'is an Enemy to the Common-wealth, and worthy of ſuch other Attributes
'(either of favouring the Rebellion in *Ireland*, or advancing the War here) as are
'moſt likely to render that Perſon ſuſpected or odious to the People. If in truth
'this be evidently and demonſtrably the caſe, ſuch Declarations will no more gain
'Credit with, or longer miſlead our Subjects, than if they ſhould tell them, that
'We are perſonally with them in *London*, when all Men ſee Us here at *York*.

'As they have declared, (the beſt Argument or Evidence you are to look
'for) that all that they do is lawful, becauſe they do it; ſo they proceed by the
'ſame Power to aſſure thoſe who are apt to be deceived by them, that the
'Force already attending Us (they would certainly do otherwiſe if they did
'really believe ſuch Force to be about Us) and the Preparation We are making,
'do evidently appear to be intended for ſome great and extraordinary Deſign,
'and do juſtify their former Votes of Our Intention of levying War againſt
'our Parliament, and they have at laſt given ſome reaſon for that Vote and
'Declaration. They find by Our ſeveral Declarations, that We intend Force
'againſt thoſe who ſhall ſubmit to the Ordinance of the *Militia*, and that We
'intend to make an Attempt upon *Hull*, in both which caſes they are pleaſed to
'declare, That whatſoever Violence ſhall be uſed either againſt thoſe who ex-

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'ercise this *Militia*, or against *Hull*, they cannot but take it as done against the 'Parliament. We are beholden to them that they have explained to all Our 'good Subjects the meaning of their Charge against Us, that by our Intention 'of making War against our Parliament, no more is pretended to be meant 'but our Resolution not to submit to the high Injustice and Indignity of the 'Ordinance, and the business of *Hull*. We have never concealed our Intentions 'in either of those Particulars (we wish they would deal as clearly with Us) 'but have always and do now declare, That that pretended Ordinance is against 'the Law of the Land, against the Liberty and Property of the Subject, de-'structive to Soveraignty, and therefore not consistent with the very Consti-'tution and Essence of the Kingdom, and to the Right and Privileg of Parlia-'ment, that We are bound by our Oath (and all our Subjects are bound by 'theirs of Allegiance and Supreamacy, and their own Protestation lately taken 'to assist Us) to oppose that Ordinance which is put already in Execution a-'gainst Us, not only by training and arming our Subjects, but by forcibly re-'moving the Magazines from the Places trusted by the Counties to their own 'Houses, and guarding it there with armed Men: whither it will be next removed, 'and how used by such Persons, We know not.

'That the keeping Us out of *Hull* by Sir *John Hotham*, was an Act of High-'Treason against Us, and the taking away our Magazine and Munition from 'Us, was an Act of Violence upon Us (by what Hands, or by whose Directi-'on soever it was done) and in both cases, by the help of God and the Law, 'We will have Justice, *or lose our Life in requiring it*, the which We do not 'value at that rate as to preserve it with the Infamy of suffering Our self to be 'robbed and *spoiled of that Dignity We were born to*. And if it be possible for 'Our good Subjects to believe that such a Defence of Our Self, with the utmost 'Power and Strength We can raise, is making a War against the Parliament, 'We do not doubt (however it shall please God to dispose of Us in that Con-'tention) but the Justice of our Cause will at the last prevail against those few 'malignant Spirits, who for their own Ends and ambitious Designs have so 'misled and corrupted the Understandings of our People, and that both Our 'Houses of Parliament will in short time discern by their own Observation, 'and the Information We shall speedily give them, how near this flourishing 'Kingdom is brought to Ruin and Confusion by these Persons.

'And since neither *Our Declaration*, nor the *Testimony* of so many *of our Lords* 'now with Us, can procure Credit with these Men, but that they proceed to 'levy Horse, and to raise Money and Arms against Us, We are not to be 'blamed, if after so many gracious Expostulations with them upon undeniable 'Principles of Law and Reason, which they answer only by voting that which 'We say, to be neither Law nor Reason, and so proceed actually to levy War 'upon Us, to justify that which cannot be any otherwise defended; at last We 'make such Provision, that as We have been driven from *London*, and kept from '*Hull*, We may not be surprized at *York*, but in a condition to resist, and bring 'to Justice those Men who would perswade our People, that their Religion is 'in danger, because We will not consent it shall be in their Power to alter it 'by their Votes; or their Liberty in danger, because We will allow no 'Judg of that Liberty but the known Law of the Land; yet whatsoever Pro-'vision We shall be compelled to make for our Security, We will be ready to 'lie down as soon as they shall have revoked the Orders by which they have 'made Levies, and submit those Persons who have detained our Towns, carried 'away our Arms, and put the *Militia* in Execution, contrary to our Proclama-'tion, to that Trial of their Innocence the Law directs, and to which they 'were born. If this be not submitted to, We shall with as good a Conscience '(and We believe We shall not want the Affections of Our good Subjects to 'that end) proceed against those who shall presume to exercise that pretended 'Ordinance for the *Militia*, and the other who keep our Town of *Hull* from 'Us, as We would resist Persons who came to take away our Life, or our 'Crown from Us; and therefore We shall again remember and require Our 'City of *London* to obey Our former Commands, and not to be misled by the 'Orations of these Men (who are made desperate by their Fortunes, or their 'Fortunes by them) who tell them their Religion, Liberty and Property is to 'be preserved no other way but by their Disloyalty to Us; that they are now

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'at the Brink of the River, and may draw their Swords when nothing purſues 'them but their own evil Conſciences: Let them examine what excellent Fruits 'of Religion the Lives of thoſe Men have brought forth, and what great Advan-'cers they have been of the publick Liberty and Property: How long they have 'had thoſe Opinions they would ruin them to defend, and how they came to thoſe 'Opinions. Let them conſider whether their Eſtates come to them, and are 'ſetled upon them by Order of both Houſes, or by that Law which We defend? 'What Security they can have to enjoy their Own, when they have helped to 'rob Us? And what a happy Concluſion that War is like to have, which is 'raiſed to oppreſs their Sovereign. That the Wealth and Glory of their City, 'is not like to be deſtroyed any other way, but (and that way inevitably it muſt) 'by rebelling againſt Us: Nor their Wives and Children to be expoſed to Vio-'lence and Villany, but by thoſe who make their Appetite and Will the Mea-'ſure and Guide to all their Actions. Let them not fancy to themſelves melan-'cholick Apprehenſions, which are capable of no Satisfaction; but let them ſeri-'ouſly conſider what Security they can have that they have not under Us, or have 'been offered by Us. And whether the Doctrine theſe Men teach, and would 'have them defend, doth not deſtroy the Foundations upon which their Security 'is built.

'And We do laſtly declare again, and publiſh to all the World, That We 'ſhall proceed againſt all Perſons whatſoever that ſhall aſſiſt thoſe Levies, by '*furniſhing of Horſe, Money and Plate*, as againſt the Diſturbers of the publick 'Peace, and the Authors of thoſe Diſtractions which threaten the Ruin of Us 'and this Kingdom.

An Order to ſuppreſs Force, coming out of one County into another.

Die Lunæ 4 *Julii* 1642.

IT is this day reſolved upon the Queſtion, by the Lords and Commons aſſembled in Parliament, That *in caſe any Force be brought out of one County into any other* County of this Kingdom, to diſturb the Peace thereof, That the Lord-Lieutenants and *Deputy-Lieutenants* of the Counties adjoining, upon notice given unto them of ſuch Diſturbance by the Lord-Lieutenant, or Deputy-Lieutenants where ſuch Diſturbance is made, be hereby required *to give Aid* and Aſſiſtance to the ſaid other Lord-Lieutenants, and Deputy-Lieutenants, or any of them, ſo requiring the ſame for the *preſent ſuppreſſing of ſuch Force* and diſturbances of the Peace, by Voluntiers, and ſuch of the Trained-Bands of their ſeveral Counties, that ſhall voluntarily go to give their Aſſiſtance.

HEN. ELSING Cler. Parl. Dom. Com.

A Declaration of the Lords and Commons aſſembled in Parliament, concerning the publiſhing of divers Proclamations and Papers, in Forms of Proclamations, in his Majeſty's Name.

Againſt publiſhing the King's Proclamations, and Papers in the King's Name.

WHereas ſeveral Proclamations, Declarations, and Papers in Forms of Proclamations, have iſſued out, in his Majeſty's Name, commanding Parſons, Vicars, Curats, Sheriffs, Mayors, Bailiffs and other Officers, to publiſh and proclaim the ſame, being contrary to Law, and to divers Orders, Ordinances and Declarations of both Houſes of Parliament, and much to the ſcandal and derogation of both the ſaid Houſes.

Be it ordered and declared by the Lords and Commons in Parliament, That no Sheriff, Mayor, Bailiff, Parſon, Vicar, Curat, or other Officer, ſhall from henceforth Publiſh or Proclaim, or cauſe to be proclaimed or publiſhed, any ſuch Proclamations, Declarations or Papers, which are or ſhall be contrary to any Order, Ordinance, or Declarations of the ſaid Houſes of Parliament, or tending to the Scandal or Derogation of their Proceedings, but ſhall uſe all lawful Ways and Means to reſtrain and hinder the Proclaiming and Publiſhing thereof. And all Sheriffs, Mayors, Bailiffs, Parſons, Vicars and Curats, or other

An. 1642.

other Officers that have forborn or refuſed, or ſhall forbear or refuſe to publiſh or proclaim any ſuch Proclamations, Declarations or Papers as aforeſaid, or have or ſhall hinder the Publication thereof, ſhall be protected by the Power and Authority of both Houſes of Parliament.

Ordered by the Commons in Parliament, That this be forthwith printed and publiſhed.

HEN. ELSING Cler. Parl. Dom. Com.

A Letter from the Earl of Warwick *Admiral of the Sea, to* John Pym *Eſq; and preſented to both Houſes of Parliament,* July 6. 1642.

Earl of *Warwick*'s Letter upon the Kings ſending to diſcharge him the Command of the Fleet.

Mr. *Pym*;

BEfore theſe ſhall come to your Hand, I make no doubt but Mr. *Nicholls* of the Houſe of Commons, hath made both Houſes a Relation of what hath paſſed here, ſince I received his Majeſty's Letters for the diſcharging me of the Command of the Fleet wherewith I was intruſted: How I called a Council of War, and acquainted them with his Majeſty's Letters, and likewiſe with the Ordinance of Parliament, ſent from the Houſes for me to continue my Charge. I confeſs it was a great Streight that I was in, between two Commands that have ſo much Power over me: But when I conſider the great Care which I have ever obſerved in the Parliaments of this Kingdom, for the Good and Safety of the King and Kingdom, and every Man's particular in them; and that they are that great Council, by whoſe Authority the Kings of *England* have ever ſpoken to their Subjects; And likewiſe, that the Truſt of his Fleet for the Defence of his Majeſty and the Kingdoms was committed to me by them; and knowing the Integrity of my own Heart to his Majeſty and Parliament, I reſolved not to deſert that Charge committed to my Truſt, wherein God (bleſſed be his Name for it) hath made me hitherto ſo ſucceſsful, but to continue it until I ſhall be revoked by that Authority that hath entruſted me with it; which having declared to my Captains at the Council of War, all of them unanimouſly and chearfully took the ſame Reſolution, excepting five, which was the Rear Admiral Captain *Fogge*, Capt. *Barley*, Capt. *Slingsby*, and Capt. *Wake*; all which five refuſed to come upon my Summons, as having no Authority over them, and got together round that Night to make their Defence againſt me; only Capt. *Barley* came in and ſubmitted to me; whereupon in the Morning I weighed my Anchors, and cauſed the reſt of my Ships ſo to do, and came to an Anchor round about them, and beſieged them: And when I had made all things ready, I ſummoned them; Sir *John Mennes* and Capt. *Fogge* came in to me, but Capt. *Slinsby* and Capt. *Wake* ſtood out: whereupon I let fly a Gun over them, and ſent them word I had turned up the Glaſs upon them; if in that ſpace they came not in, they muſt look for me Aboard them: I ſent to them by my Boat, and moſt of the Boats in the Fleet; their Anſwer was ſo peremptory, that my Maſters and Saylors grew ſo impatient on them, that although they had no Arms in their Boats at all, yet God gave them ſuch Courage and Reſolution, as in a moment they entred them, took hold of their Shrouds, and ſeized upon theſe Captains, being armed with their Piſtols and Swords, and ſtruck their Yards and Top-maſts, and brought them both in to me: The like Courage and Reſolution was never ſeen amongſt unarmed Men, ſo as all was ended without effuſion of Blood, which I muſt attribute to the great God of Heaven and Earth only, who in the moment that I was ready to give Fire on them, put ſuch Courage into our Men to act it, and ſo ſaved much Blood.

I hope the Parliament will think of ſome courſe for all our Indemnities, and eſpecially the Officers of the Navy, and principally for the Surveyor of the Navy, my Vice-Admiral, a very able and good Man: for my ſelf, I doubt not but they that put me in this Employment, will preſerve me for ſerving them faithfully.

I pray you, *Sir*, be a means to Sir *Robert Pye* and Mr. *Green*, that ſome Money may be ſent us, for it hath been often promiſed, but we hear not of it, the Weather continuing Stormy ſo long together, that we ſpend our Maſts and Top-maſts, or ſome detriment or other falls upon us daily, ſo that we are in great Extremity for want of Mony.

Thus

18 *Car.*

Thus having nothing elſe to trouble you for the preſent, only that you will be pleaſed to acquaint your Houſe of Commons with our Proceedings here, I bid you farewel, and reſt,

From aboard his Majeſty's Ship the James *on the* Downs, *this 4th of* July, 1642.

Your aſſured Friend to ſerve you,

WARWICK.

Die Mercurii 6 Julii, 1642.

ORdered by the Lords in Parliament, that this Letter be forthwith printed and publiſhed.

JO. BROWN, Cleric. Parliamentorum.

A Speech by Sir Benjamine Rudyard, *in the Houſe of Commons*, July *the 9th*, 1642, *concerning a War.*

Mr. Speaker,

'IN the way we are, we have gone as far as words can carry Us: We have voted 'our own Rights and the King's Duty. No doubt there is a relative Duty 'between King and Subjects, *Obedience* from a Subject to a King, *Protection* from a 'King to his People. The preſent unhappy diſtance between his Majeſty and the 'Parliament, makes the whole Kingdom ſtand amazed, in a fearful Expectation 'of diſmal Calamities to fall upon it; it deeply and conſcionably concerns this 'Houſe, to compoſe and ſettle theſe threatning ruining Diſtractions.

'*Mr. Speaker*, I am touched, I am pierced, with an apprehenſion of the Ho-'nour of the Houſe, and Succeſs of this Parliament. The beſt way to give a 'ſtop to theſe deſperate imminent Miſchiefs, is to make a fair way for the King's 'return hither; it will likewiſe give beſt ſatisfaction to the People, and will be 'our beſt Juſtification.

'*Mr. Speaker*, That we may the better conſider the Condition we are now 'in, let us ſet our ſelves three Years back; If any Man then could have credi-'bly told us, that within three Years the Queen ſhall be gone out of *England* into 'the *Low-Countries*, for any Cauſe whatſoever; the King ſhall remove from his 'Parliament, from *London* to *York*, declaring himſelf not to be ſafe here; that 'there ſhall be a total Rebellion in *Ireland*, ſuch Diſcords and Diſtempers both in 'Church and State here, as now we find, certainly we ſhould have trembled at the 'thought of it; wherefore it is fit we ſhould be ſenſible now we are in it. On 'the other ſide; If any Man then could have credibly told us, that within three 'Years we ſhall have *a Parliament*, it would have been good News; that *Ship-'money* ſhould be taken away by Act of Parliament, the Reaſons and Grounds 'of it ſo rooted out, as that neither it, nor any thing like it, can ever grow up 'again; that *Monopolies*, the *High-Commiſſion Court*, the *Star-Chamber*, the *Biſhops 'Votes* ſhall be taken away, the *Council-Table* regulated and reſtrained, the *Foreſts* 'bounded and limited; that we ſhould have *Triennial Parliaments*; and more than 'that, a perpetual Parliament, which none ſhall have Power to diſſolve without 'your ſelves, we ſhould have thought this a *Dream of Happineſs*: yet now we 'are in the real Poſſeſſion of it, we do not enjoy it, although his Majeſty hath pro-'miſed and publiſhed he will make all this good to us. We ſtand chiefly upon 'further Security; whereas the very having of theſe Things, is a convenient fair 'Security, mutually ſecuring one another. There is more ſecurity offered, even 'in this laſt Anſwer of the King's, by removing the perſonal Votes of Popiſh 'Lords, by the better Education of Papiſts Children by ſupplying the Defects 'of Laws againſt Recuſants; beſides what elſe may be enlarged and improved 'by a ſelect Committee of both Houſes named for that purpoſe. Wherefore, '*Sir*, let us beware we do not contend for ſuch a hazardous unſafe Security, as 'may endanger the loſs of what we have already. Let us not think we have *no-'thing*, becauſe we have not *all* we deſire; and though we had, yet we cannot 'make a Mathematical Security, all humane Caution is ſuſceptible of Corrup-'tion and Failing; God's Providence will not be bound, Succeſs muſt be his:

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'He that obſerves the Wind and Rain, ſhall neither Sow nor Reap; if he do 'nothing till he can ſecure the Weather, he will have but an ill Harveſt.

'*Mr. Speaker*, It now behoves us to call up all the Wiſdom we have about us, 'for we are at the very brink of Combuſtion and Confuſion: If Blood begins 'once to touch Blood, we ſhall preſently fall into a *certain Miſery*, and muſt at- 'tend an *uncertain Succeſs*, God knows when, and God knows what; every Man 'here is bound in Conſcience to employ his uttermoſt Endeavours to prevent the 'effuſion of Blood: Blood is a crying Sin, it pollutes a Land; let us ſave our '*Liberties*, and our *Eſtates*, as we may ſave our *Souls* too. Now I have clearly 'delivered my own Conſcience, I leave every Man freely to his.

[The Parliament now having thoughts of raiſing an Army; upon the Debate thereof, one of the Members declared his Opinion in theſe words.]

Mr. Speaker,

Mr. *Whitlock*'s Speech concerning a War.

'THE Queſtion which was laſt propounded about raiſing of Forces, naming 'a General, and Officers of an Army, hath been very rare before this 'time in this Aſſembly; and it ſeems to me to ſet us at the Pit's Brink, ready to 'plunge our ſelves into an Ocean of Troubles and Miſeries, and (if it could be) 'into more than a Civil War brings with it.

'Give me leave, *Sir*, to conſider this unhappy Subject, in the Beginning, Pro- 'greſs and Iſſue of it.

'*Ceſar* tells us, (and he knew as much of Civil War as any Man before him) 'that it cannot be begun *ſine malis artibus*.

'Surely, *Sir*, our Enemies, of the Popiſh Church, have left no evil Arts un- 'eſſayed to bring us to our preſent Poſture, and will yet leave none unattempted 'to make our Breaches wider, well knowing that nothing will more advance their 'Empire than our Diviſions.

'Our Miſery, whom they account *Hereticks*, is their *Joy*, and our Diſtractions 'will be their *Glory*, and all evil Arts and Ways to bring Calamities upon us, 'they will eſteem *meritorious*.

'But, *Sir*, I look upon another beginning of our Civil War; God bleſſed us 'with a long and flouriſhing Peace, and we turned his Grace into *Wantonneſs*, 'and Peace would not ſatisfy us without Luxury, nor our Plenty without De- 'bauchery; inſtead of Sobriety and Thankfulneſs for our Mercies, we provo- 'ked the Giver of them by our Sins and Wickedneſs, to puniſh us (as we may 'fear) by a Civil War, to make us Executioners of Divine Vengeance upon 'our ſelves.

'It is ſtrange to note how we have inſenſibly ſlid into this beginning of a Ci- 'vil War, by one unexpected Accident after another, as Waves of the Sea, 'which hath brought us thus far, and we ſcarce know *how*, but from Paper Com- 'bates, by *Declarations*, *Remonſtrances*, *Proteſtations*, *Votes*, *Meſſages*, *Anſwers* and '*Replies*. We are now come to the Queſtion of raiſing *Forces*, naming a *General* 'and Officers of our Army.

'But what, *Sir*, may be the Progreſs hereof, the Poet tells you;

Juſq; datum ſceleri Canimus, populúmq; potentem
In ſua victrici converſum viſcera dextra.

'We muſt ſurrender up our Laws, Liberties, Properties and Lives, into the 'Hands of inſolent *Mercenaries*, whoſe Rage and Violence will command us and 'all we have, and Reaſon, Honour and Juſtice will leave our Land, the *Ignoble* 'will rule the Noble, and *Baſeneſs* will be preferred before Vertue, *Prophaneneſs* 'before Piety.

'Of a potent People we ſhall make our ſelves *weak*, and be the Inſtruments 'of our own Ruin; *Perditio tua ex te*, will be ſaid to us: We ſhall burn our own 'Houſes, lay waſte our own Fields, pillage our own Goods, open our own 'Veins, and eat out our own Bowels.

'You will hear other Sounds beſides thoſe of *Drums* and *Trumpets*, the clat- 'tering of Armour, the roaring of Guns, the *groans* of wounded and dying 'Men,

18 *Car.*

'Men, the ſhrieks of *deflowred* Women, the cries of Widows and Orphans, 'and all on your Account, which makes it the more to be lamented.

'Pardon, *Sir*, the warmth of my Expreſſion on this Argument, it is to pre- 'vent a *Flame* which I ſee kindled in the midſt of us, that may conſume us to 'Aſhes. The Sum of the Progreſs of Civil War, is the rage of *Fire* and '*Sword*, and (which is worſe) of *brutiſh Men.*

'What the Iſſue of it will be, no Man alive can tell: Probably few of us now 'here may live to ſee the End of it. It hath been ſaid, That *he that draws his* 'Sword againſt his Prince, muſt throw away the Scabbard. Thoſe Differences are 'ſcarce to be reconciled: Theſe Commotions are like the deep Seas, which being 'once ſtirred, are not ſoon appeaſed.

'I wiſh the Obſervation of the Duke *de Rohan*, in his *Intereſt of Chriſtendom*, 'may prove a Caution, not a *Prophecy*; he ſaith of *England*, That it is a great Creature, 'which cannot be deſtroyed but by its own Hand. And there is not a more likely Hand 'than that of Civil War to do it.

'The Iſſue of all War, is like a caſt at Dice, none can tell upon what Square 'the *Alea Belli* will light; the beſt Iſſue that can be expected of a Civil War, is, 'ubi victor flet, & victus perit. Which of theſe will be our Portion, is uncertain, 'and the choice would be avoided,

'Yet, *Sir*, when I have ſaid this, I am not for a lame Reſignation of our Re- 'ligion, Lives and Liberties into the Hands of our Adverſaries, who ſeek to de- 'vour us; nor do I think it inconſiſtent with your great Wiſdom, to prepare for 'a juſt and neceſſary Defence of them.

'It was truly obſerved by a Noble Gentleman, That *if our Enemies find us pro-* 'vided to reſiſt their Attempts upon us, it will be the likelieſt way to bring them to an Ac- 'cord with us. And upon this Ground I am for the Queſtion.

'But I humbly move you to conſider, Whether it be not yet too ſoon to 'come to it? We have tried by the Propoſals of Peace to his Majeſty, and they 'have been rejected: Let us try yet again, and appoint a Committee who may 'review our former Propoſitions.

'And where they find the Matter of them (as our Affairs now are) fit to be 'altered, that they preſent the Alterations to the Houſe, and their Opinions; 'and that as far as may ſtand with the Security of Us and our Cauſe, we may 'yield our Endeavours to prevent the Miſeries which look black upon us, and 'to ſettle a good Accommodation, ſo that there may be *no Strife* between Us 'and thoſe of the other Party, for *we are Brethren.*

[After great Debates, the following Votes paſſed.]

Die Martis 12 *Julii*, 1642.

Reſolved upon the Queſtion, That an Army ſhall be forthwith raiſed for the Safety of the King's Perſon, Defence of both Houſes of Parliament, and of thoſe who have obeyed their Orders and Commands, and preſerving of the true Religion, the Laws, Liberty and Peace of the Kingdom.

The Votes for raiſing an Army.

Reſolved upon the Queſtion, That the Earl of *Eſſex* ſhall be General.

Eſſex to be General,

Reſolved upon the Queſtion, That this Houſe doth declare, That in this Cauſe, for the Safety of the King's Perſon, defence of both Houſes of Parliament, and of thoſe who have obeyed their Orders and Commands, and preſerving of the true Religion, the Laws, Liberty and Peace of the Kingdom, they will *live and die with the Earl of* Eſſex, whom they have nominated *General* in this Cauſe.

Reſolved upon the Queſtion, That a Petition ſhall be framed, to move his Majeſty to a good Accord with his Parliament to prevent a Civil War.

A Petition to his Majeſty to prevent a Civil War.

[The Petition being drawn, was agreed upon the Queſtion, and with theſe Votes was preſented unto the Lords; who returned anſwer, *They did concur with the Houſe of Commons* in omnibus.

Whereupon both Houſes ordered, That the Earl of *Holland*, Sir *John Holland*, and Sir *Philip Stapleton*, ſhould forthwith repair to *Beverly*, and preſent the Petition unto his Majeſty.

An. 1642.

The Meſſage of the 11*th* of *July* came to the Houſe of Peers, after this Petition was agreed on: Which being ſo full an Anſwer thereunto, both Houſes reſolved to give no other Anſwer to that Meſſage but the ſaid Petition. (*See this Meſſage from the King of the* 11*th of* July, *and this Petition of the two Houſes, with his Majeſty's Anſwer, and their Reply, in the Chapter of* Hull.)]

Subſcriptions to be brought in.

Reſolved upon the Queſtion, July 14. 1642. That all the Members of this Houſe that have ſubſcribed for the bringing in of Horſe, Money or Plate, do bring in the ſame by Tueſday next, and that a Report be made then to the Houſe who are defective herein.

Bedford General of the Horſe.

Reſolved upon the Queſtion, That the Earl of *Bedford* ſhall be General of the Horſe.

A Declaration of the Lords and Commons now aſſembled in Parliament, concerning the miſerable Diſtractions and Grievances this Kingdom now lieth in, by means of Jeſuitical and wicked Counſellors now about his Majeſty.

IT cannot be unknown to the World, how powerful and active the wicked Counſellors about his Majeſty have been, both before and ſince this Parliament, in ſeeking to deſtroy and extinguiſh the true Proteſtant Religion, the Liberty and Laws of the Kingdom; and that after many traiterous Endeavours againſt the Parliament, by God's Providence diſcovered and fruſtrated, they drew his Majeſty into the Northern Parts, and in his Name did publiſh divers falſe Scandals and ignominious Reproaches againſt the Lords and Commons, making his Majeſty's Court a Sanctuary for all kind of Delinquents againſt the Juſtice and Priviledg of Parliament, and drawing to *York* by Letters, and other Means, divers Members of both Houſes, and ſetting up there a counterfeit imaginary Uſage of the great Council of Peers, in oppoſition to the Parliament, to the great danger, not only of the Diſturbance, but even of the Subverſion of the original Conſtitution and Frame of this Kingdom.

And that the way to the great change in Religion and Government intended, might be made more eaſy and paſſable, many of thoſe who have ſhewed themſelves faithful to the Cauſe of God and the Kingdom, either in Parliament or in the Country, are put out of the Commiſſion of the Peace, and other publick Employments. The Sheriff of *Leiceſter* labouring to keep the Peace there (when Mr. *Henry Haſtings* marched from *Loughborough* in *Leiceſterſhire*, with about 200 Foot, and 100 Horſe, of which many were drawn out of *Darbyſhire*, armed in a warlike manner, with Piſtols, Pikes and Muskets, their Drums beating, and Colours flying, intending to ſeize upon the Magazine of the County) was for his good Service put out of his Office, and Mr. *Haſtings* (the Perſon who committed this Outrage) made Sheriff in his place. Divers great Lords, his Majeſty's Servants, in places of Nearneſs and Truſt, Perſons of high Honour, Merit and Abilities; as the Earls of *Pembroke*, *Eſſex*, *Holland*, and the Lord *Fielding*, diſplaced, for no other Cauſe but diſcharging their Conſcience in Parliament: Beſides divers Members of the Houſe of Commons, one of which hath long ſerved his Majeſty in Places of Honour, and had always been in great Favour and Eſteem, till he faithfully diſcharged his Duty in Parliament.

And laſt of all, the Earl of *Northumberland* put from the place of High Admiral, a Man ſo eminent in all Qualifications of Honour and Sufficiency, ſo neceſſary for the State at this time, when ſo many Ships are at Sea, and the Kingdom in ſo much trouble and diſtraction, that there can hardly be named a more miſchievous Effect of wicked Counſel, or dangerous Preparative to future Confuſion, than the bereaving the State of the Service of ſo noble and vertuous a Perſon as he is. The conſideration whereof, enforceth both Houſes to declare, That they cannot think the Kingdom in Safety, nor themſelves to have diſcharged the Truſt which lies upon them, till they have done their uttermoſt, by all fit Ways, to procure that Office to be reſtored, whereby the Command of the Ships, which are the Walls of the Kingdom, may again be ſettled in the Charge of that noble Lord.

In

In the midſt of theſe unjuſt and deſtructive Courſes, to blind the Eyes of the Multitude, and diſguiſe their malicious and cruel Intentions, under the ſemblance of Peace and Juſtice, they have drawn his Majeſty to make divers ſolemn Proteſtations, with fearful Imprecations upon himſelf, and Invocations of God's Holy Name, That he intended nothing but the Peace and Welfare of his People, the Maintenance of Religion, and the Laws of the Kingdom, and for his own Security only to raiſe a Guard for his Perſon; and that he did from his Soul abhor the thought of making War againſt the Parliament, or to put the Kingdom into a Combuſtion. But having under this Colour, kept about him divers Souldiers and Officers, and gathered ſome Strength, the Intentions do now appear with a more open Face, by theſe his Majeſty's enſuing Actions and Proceedings. Which the Lords and Commons have thought good to publiſh, that all the Subjects of the Kingdom may underſtand what Dangers and Miſeries are coming upon them, if not timely prevented. 18 *Car.*

A Gariſon of Souldiers is, by his Majeſty's Orders, put into *Newcaſtle*, under the Command of the Earl of *Newcaſtle*, who ſhould have formerly ſeized upon *Hull*, if by the Wiſdom of the Parliament he had not been prevented.

The Papiſts in *Cheſhire* have lately, in a very peremptory manner, and in his Majeſty's Name, demanded their Arms taken from them by Direction of both Houſes of Parliament, to be again reſtored to them. The Earl *Rivers*, lately a notorious profeſs'd Papiſt, and ſtill ſuſpected to be a Papiſt, although he now comes to Church, as many other dangerous Papiſts do, on purpoſe, as is conceived, to make themſelves capable of Employment, is put into the Commiſſion of Array, being againſt Law, and the Liberty of the Subject, which he hath executed with Rigour, and hath committed divers Perſons to Priſon for refuſing to ſubmit thereunto, contrary to the Law, and the *Petition of Right*.

The Mouth of the River of *Tyne* is Fortified, whereby the whole Trade of *Newcaſtle* for Coal or otherwiſe, will be ſubject to be interrupted whenſoever his Majeſty ſhall pleaſe; and the City of *London*, and many other parts of the Kingdom exceedingly burdened and diſtreſſed.

A Ship laden with Cannon for Battery, and other leſſer Ordnance, Powder and Ammunition, is come into the River of *Humber*; which alſo hath brought divers Commanders from Foreign Parts; and in this Ship, as we are credibly informed, were Mr. *Henry Wilmot*, Sir *John Barkley*, and Sir *Hugh Pollard*, three of thoſe who ſtand Charged in Parliament, for being privy to the Deſign of bringing up the Army; and amongſt others the Lord *Digby*, a Perſon accuſed in Parliament of High-Treaſon; who when he began to be queſtioned, fled out of the Kingdom, and adviſed his Majeſty by Letters to that courſe which he hath ſince purſued, of withdrawing himſelf from his Parliament to a place of Strength, and that then he intended to come to him, and in the mean time would do him Service abroad.

Divers other large Preparations of Warlike Proviſions are made beyond the Sea, and ſhortly expected; beſides great numbers of Gentlemen, Horſes and Arms drawn from all parts of the Kingdom; and all the Gentlemen in *Yorkſhire* required to bring in their Horſes for his Majeſty's Service.

Sundry Commiſſions are granted for raiſing Horſe; and divers Officers of the Army are already appointed.

Upon Monday morning, being the fourth of *July*, his Majeſty came to *Beverley* with an Army of a conſiderable number of Horſe and Foot, ſome Regiments of the Trained-Bands being likewiſe commanded to be raiſed.

Among the Souldiers in this Army, there are divers Papiſts, and other Perſons of deſperate Fortune and Condition, ready to execute any Violence, Rapine and Oppreſſion.

Some Troops of Horſe are ſent into *Lincolnſhire*, to the great Terror of the well-affected People, who are thereby forced, either to forſake their Dwellings, or to keep them with armed Men.

They begin already to take away Mens Horſes by Force, and to commit other Acts of Hoſtility, and have uncivilly uſed a Gentleman ſent from the Parliament with a Letter to his Majeſty.

Proviſions

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Proviſions are reſtrained from coming to *Hull*, and his Majeſty is ſhortly expected to come thither with his Army, notwithſtanding the Place is in the cuſtody of the Parliament, as hath been often declared to his Majeſty by both Houſes, and kept by them for his Majeſty's Service, and the Peace of the Kingdom; whereof, as ſoon as they may be ſecured, they intend to leave the Town in the State it was.

The War being thus by his Majeſty begun, the Lords and Commons in Parliament hold themſelves bound in Conſcience to raiſe Forces for the preſervation of the Peace of the Kingdom, and Protection of the Subjects in their Perſons and Eſtates, according to Law, the Defence and Security of Parliament, and of all thoſe who have been employed by them in any publick Service for theſe Ends, and through God's Bleſſing, to diſappoint the Deſigns and Expectations of thoſe who have drawn his Majeſty to theſe Courſes and Counſels, in favour of the Papiſts at Home, the Rebels in *Ireland*, and the Foreign Enemies of our Religion and Peace.

In the oppoſing of all which, they deſire the concurrence of the well-diſpoſed Subjects of this Kingdom, and ſhall manifeſt by their Courſes and Endeavours, that they are carried by no Reſpects but of the publick Good, which they will always preſer before their own Lives and Fortunes; and ſhall ever be moſt earneſt in their Counſels and Endeavours to prevent a Civil War, and thoſe miſerable Effects it muſt needs produce, if they may be avoided without endangering the alteration of Religion, which is the main End of thoſe who have been the Authors and Counſellors of his Majeſty's undertaking this War, and will neceſſarily draw with it a loſs of Liberty, and ſubverſion of the Law of the Kingdom; ſo that it reſts only that the Free-born Engliſh Nation do conſider whether they will adhere to the King and his Parliament, by which they have ſo long enjoyed all that is dear unto them; or to the King ſeduced by Jeſuitical Counſel and Cavaliers, who have deſigned all to Slavery and Confuſion; which by God's Bleſſing, and our joint Endeavours, may be timely prevented.

A Declaration of the Lords and Commons in Parliament, declaring, That none ſhall Apprehend or Arreſt any of his Majeſty's Subjects or Servants, that obey the Ordinance of Parliament, under pretence of his Majeſty's VVarrant.

Die Mercurii 12 *Julii*, 1642.

Such as obey the Parliament not to be arreſted by Warrant from the King.

THE Lords and Commons in Parliament do declare, That it is againſt the Laws and Liberties of the Kingdom, that any of the Subjects thereof ſhould be compelled by the King to attend him at his Pleaſure, but ſuch as are bound thereto by ſpecial Service: And if any Meſſenger or Officer ſhall, by Colour or Command from his Majeſty, or Warrant under his Majeſty's Hand, arreſt, take or carry away any of his Majeſty's Subjects, to any Place whatſoever, contrary to their Wills, that it is both againſt the Laws of the Land, and Liberties of the Subjects, and to the Diſturbance of the publick Peace of the Kingdom. And any of his Majeſty's Subjects ſo arreſted, may lawfully refuſe to obey ſuch Arreſt and Commands.

ORdered by the Lords in Parliament, that this Declaration ſhall be forthwith printed and publiſhed.

JOHN BROWN Cler. Parl.

His

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His Majeſty's two Letters, one to the Vice-Chancellor of *Oxford*, the other to the Sheriff of the County, and the Mayor of *Oxford*, *July* 18, 1642.

CHARLES R.

To our Truſty and Well-beloved, the Vice-Chancellor of the Univerſity of Oxford, *and to all the reſt of our Loyal Subjects in that our Univerſity.*

'REverend Father in God, We greet you well. Whereas We have 'received a moſt large and ample Teſtimony of the Affection of that 'our Loyal Univerſity to Us, by the free Loan of a very conſiderable Sum 'of Money in a time of ſo great and imminent Neceſſity: Theſe are to 'will and require you, to give to that our Univerſity from Us, our Royal 'Thanks, and to aſſure them, and every of them, (our Loving and Loyal 'Subjects) that this Teſtimony of their Hearts towards Us, ſhall never depart 'out of our Royal Memory, and that both they ſhall be carefully repayed, and 'the Money employed only upon the Defence of Our Self, and the true Pro-'teſtant Religion, and the Laws eſtabliſhed in this our Kingdom. And whereas 'We hear that for this Action, ſo full of Loyalty and Allegiance, ſome of that 'our Univerſity have been ordered to be ſent for; Theſe are to will and re-'quire you, to ſignify unto them and every of them (who aſſume ſuch 'Power without Us) That We Will and Command, that no Obedience be 'given to any ſuch Summons, holding Our Self bound to protect and defend 'thoſe who ſhall be perſecuted for that Cauſe, of having contributed to our 'Defence and Protection; and ſo We bid you farewel.

'Given at our Court at *Beverly*, the 18*th* day of *July*, 1642.

CHARLES R.

To our Truſty and Well-beloved the High-Sheriff of our County, and the Mayor of our City of Oxford.

The King's Letter to the Sheriff and Mayor of *Oxford*, *July* 22.

'TRuſty and Well-beloved. We greet you well. Whereas We have lately 'received very ample Teſtimonies of the good Affections of our Univer-'ſity of *Oxon*, by the Loan of ſuch Monies as could be thence ſpared for the 'Supply of Our urgent and extraordinary Occaſions; for which dutiful and 'affectionate Expreſſion, We are informed that ſeveral worthy Perſons of that 'our Univerſity, our Servants and others, are threatned to be troubled and 'moleſted, We have thought fit to commend the Care, Aſſiſtance and Pro-'tection of that Place, and of the Perſons in it to you, as a Service wherein 'you ſhall merit our Favour and good Acceptance, and of which We ſhall re-'quire an Account. And We do therefore will and require you, as you tender 'our Diſpleaſure, if any Warrant, Order, or other Direction whatſoever ſhall 'come to your hand, for the apprehending or troubling any Perſon or Perſons 'of that our Univerſity, for his good Affection to our Service, in advancing 'the buſineſs of lending and ſupplying Us with Money, which We ſhall never 'forget, that you be ſo far from countenancing or aſſiſting any ſuch Warrant 'or Direction, that on the contrary, you uſe your utmoſt Power to preſerve 'thoſe our good Subjects from ſuch Oppreſſion, the which We ſhall take in 'very good part at your Hand, and for ſo doing this ſhall be your Warrant.

'Given at our Court at *Nottingham*, *July* 22, 1642.

Die Martis, 26 *Julii*, 1642.

Sentence pronounced by the Lords againſt one *Eſcott* for ſpeaking ſcandalouſly of the Parliament.

THis Houſe having been informed, That one *John Eſcott* of *Launceſton* in the County of *Cornwall*, hath ſpoken very falſe, ſcandalous and ſeditious words againſt this Parliament, was this day called to the Bar as a Delinquent; and *Henry Willes* Gent. of *Launceſton* aforeſaid, having taken his Oath, teſtified at the ſame time, That on the 13*th* of *May* laſt paſt, he heard the ſaid *Eſcott* ſay, That he

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he never knew or heard of a Parliament that did proceed ſo baſely, as this preſent Parliament did, and that many able honeſt Men of the Houſe were grieved at their Proceedings. And *Robert Nettle* another Witneſs, being called to the Bar, and Sworn, did then teſtify upon Oath, That he likewiſe heard the ſaid *Eſcott* ſay, That this was the baſeſt Parliament that ever was, and that they were a Company of Roundheads. After which Evidence, the Witneſs and Delinquent were withdrawn, and the Lords entring into a ſerious Conſideration of the ſaid falſe, ſcandalous and ſeditious Words ſpoken by the ſaid *Eſcott* as aforeſaid, and the manifeſt and plain Proof of the ſaid Speeches; having the ſaid Delinquent brought unto the Bar again, who kneeled until he was bid ſtand up, did by their Speaker pronounce this Judgment againſt him, *viz.*

1. That the ſaid *John Eſcott* ſhall be *fined* unto our Soveraign Lord the King, the Sum of one hundred Pounds.

2. That he ſhall ſtand upon the *Pillory* in *Cheap-ſide*, and in the new *Palace* at *Weſtminſter*, with a Paper on his Head declaring his Offence.

3. That he ſhall pay Ten Pounds to *Robbert Nettle* for his Charges.

4. That he ſhall be impriſoned in *Newgate* during the Pleaſure of this Houſe.

5. That he ſhall find ſufficient Sureties for the good Behaviour, when this Houſe ſhall think good to releaſe him, and that he ſhall ſtand publickly with a Paper on his Head expreſſing his Offence, at the next Quarter Seſſions to be held for the County of *Cornwall* after his Releaſement.

Die Jovis 28 Julii, 1642.

Sentence pronounced by the Lords againſt one *Marſton* for ſpeaking ſcandalouſly of the Parliament, *July* 28.

THE Houſe having been informed, That *John Marſton*, Clerk, Rector of the Pariſh-Church of St. *Mary Magdalen*'s in the City of *Canterbury*, and Vicar of the Pariſh of St. *Mary Bredden* in the ſaid City, being a Man of a ſcandalous Life, hath ſpoken very falſe, ſeditious and opprobrious Words againſt this Parliament, was this day called to the Bar as a Delinquent: And *John Franklin* of the ſaid City of *Canterbury*, Draper, having taken his Oath, teſtified at the ſame time, That on or about the *6th* of *May*, 1642, he meeting with the ſaid Mr. *Marſton*, talked with him of ſome good News from *Ireland*, ſet forth by Order of Parliament: The ſaid Mr. *Marſton* replied, That the Parliament ſet forth Flams to cozen and cheat the Country, and to get their Money. And the ſaid Mr. *Marſton* ſpeaking of the Petition of Sir *Edward Deering*, he ſaid, I would ſtab the Heart-blood of thoſe that ſhould ſpeak againſt that Petition; and further ſaid, that there would be Blood-ſhed in *England* before *Midſummer*-Day. And *Thomas Bridg* of the ſaid City of *Canterbury*, Grocer, another Witneſs, being called to the Bar, and ſworn, did then teſtify, That on the *3d* day of *May* laſt, he paſſing by the ſaid Mr. *Marſton* and *John Franklin*, whilſt they were in diſcourſe, heard the ſaid *Franklin* tell the ſaid *Marſton*, That there was good News from *Ireland*, and that ſurely it was true, for that it was ſet out by the Parliament's Order: Whereunto the ſaid Mr. *Marſton* anſwered; that the Parliament did ſet out thoſe Flams only to cozen and cheat the Country, and get their Money. After the giving of which Evidence, both the Witneſſes and Delinquent were withdrawn, and the Lords entring into a ſerious Conſideration of the ſaid falſe, ſeditious and opprobrious Words ſpoken by the ſaid *Marſton* as aforeſaid, and the manifeſt and plain Proof of the Speeches, and what ill Conſequence might enſue, if ſuch Offences ſhould paſs without exemplary Puniſhment, commanded the ſaid Delinquent to be brought to the Bar again, who kneeled until he was bid ſtand up.

The Lords in Parliament did by their Speaker pronounce this Judgment againſt him, *in hæc verba*, viz.

1. That the ſaid *John Marſton*, Clerk, ſhall be deprived of all his Eccleſiaſtical Livings, Dignities and Preferments.

2. That he ſhall be diſabled, and held uncapable hereafter to hold any Place or Dignity in Church or Comwon-wealth.

3. That he ſhall be impriſoned in the Priſon of the Gate-houſe, *Weſtminſter*, during the Pleaſure of this Houſe.

4. That when this Houſe ſhould think fit to free him of this Impriſonment, he ſhall put in ſufficient Sureties for the Good-Behaviour.

CHAP.

18 *Car.*

CHAP. VIII.

Meſſages, Anſwers, Replies, &c. between the King and the two Houſes, touching the Treaty for Peace after his Majeſty's ſetting up his Standard.

A Declaration of the Lords and Commons aſſembled in Parliament.

The Parliament's Declaration to juſtify their Proceedings and Reſolutions to take up Arms. *Aug.* 4. 1642.

WE the Lords and Commons in Parliament aſſembled, having taken into ſerious Conſideration, the preſent State and Condition of imminent Danger in which the Kingdom now ſtands, by reaſon of a Malignant Party prevailing with his Majeſty; putting him upon violent and perilous Ways, and now in Arms againſt us, to the hazarding of his Majeſty's Perſon, and for the Oppreſſion of the true Religion, the Laws and Liberties of this Kingdom, and the Power and Priviledg of Parliament: all which every honeſt Man is bound to defend, eſpecially thoſe who have taken the late *Proteſtation*, by which they are more particularly tied unto it, and the more anſwerable before God, ſhould they neglect it: Wherefore we finding our ſelves ingaged in a *Neceſſity* to *take up Arms* likewiſe for the *Defence* of *theſe*, which otherwiſe muſt ſuffer and periſh; And having uſed all the good ways and means to prevent Extremities, and preſerve the Peace of the Kingdom (which good Endeavours of ours the Malignity of our Enemies hath rendred altogether ſucceſleſs and vain) do now think fit to give this Account unto the World, to be a Satisfaction unto all Men of the Juſtice of our Proceedings, and a Warning unto thoſe who are involved in the ſame Danger with us, to let them ſee the Neceſſity and Duty which lies upon them, to ſave themſelves, their Religion and Country; for which purpoſe we ſet out this enſuing Declaration.

THat it appears by the Anſwer which his Majeſty hath given to the humble Petition for Peace, preſented unto him by both Houſes of Parliament, and thoſe Demands which he makes, That the Deſign which hath been ſo long carried on to alter the Frame and Conſtitution of this Government, both in Church and State, is now come to Ripeneſs; and the Contrivers of it conceive themſelves arrived to that condition of Strength, that they ſhall be able to put it in preſent Execution.

For, what elſe can be ſignified by the demanding of *Hull*, the Fleet, and the Magazine to be immediately delivered up, all our Preparations of Force to ceaſe, and the defenſive Arms of the Parliament to be laid down, and the Parliament to be adjourned to another place, than that we ſhould out of the ſenſe of our own Inability to make Reſiſtance, yield our ſelves to the *cruel Mercy* of thoſe who have poſſeſſed the King againſt us, and incited him to violate all the Priviledges, and revile the Perſons and Proceedings of the Parliament? Or elſe, if (as it cannot be otherwiſe conceived) we do not grant what is ſo unreaſonable and deſtructive, forthwith to bring on that Force which is prepared againſt us by the Concurrence and Aſſiſtance of *Papiſts*, an *ambitious* and *diſcontented Clergie*, Delinquents obnoxious to the *Juſtice* of Parliament; and ſome *ill-affected* Perſons of the Nobility and Gentry, who out of their deſire of a diſſolute Liberty, apprehend, and would keep off the Reformation intended by the Parliament.

Theſe Perſons have conſpired together to ruin *this Parliament*, which alone hath ſet a ſtop to that Violence ſo long intended, and often attempted for the alteration of Religion, and ſubverſion of the Laws and Liberties of the Kingdom.

How far we were plunged in a miſerable expectation of moſt evil Days, and how faſt this growing Miſchief prevailed upon us before the Parliament, needs

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needs not now be declared, it being ſo freſh and bleeding in every Mans Memory; Religion was made but *Form* and Outſide, and thoſe who made Conſcience to maintain the Subſtance and Purity of it, whether Clergy or others, were diſcountenanced and oppreſſed, as the great *Enemies of the State*. The Laws were no Defence nor Protection of any Man's Right, all was ſubject to *Will* and Power, which impoſed what *Payments* they thought fit, to drain the Subjects Purſe, and ſupply thoſe Neceſſities, which their *ill Counſels* had brought upon the King, or gratify ſuch as were Inſtruments in promoting thoſe illegal and oppreſſive Courſes. They who yielded and complied, were countenanced and advanced, all others diſgraced and kept under; that ſo Mens *Minds* made poor and baſe, and their *Liberties* loſt and gone, they might be ready to let go their *Religion*, whenſoever it ſhould be reſolved to alter it; which was and ſtill is the *great Deſign*, and all elſe made uſe of but as inſtrumentary and ſubſervient to it.

When they conceived the way to be ſufficiently prepared, they at laſt reſolved to put on their Maſter-piece in *Scotland* (where the ſame method had been followed) and more boldly to unmask themſelves, in impoſing upon them a Popiſh Service-Book: For well they knew the ſame Fate attended both Kingdoms, and Religion could not be altered in the *one* without the *other*. God raiſed the Spirits of that Nation to oppoſe it, with ſo much Zeal and Indignation, that it kindled ſuch a Flame, as no Expedient could be found but a Parliament here to quench it.

This *Neceſſity* brought on this Parliament, and the ſame *Neceſſity* gave it in the beginning, Power to act with more Vigor and Reſolution than former Parliaments had done, and to ſet up a Reformation of the great Diſorders both in the Eccleſiaſtical and Civil State, which drew a more particular Envy and *Odium* upon it, than was uſual to the generality of Parliaments, and was a cauſe that thoſe who had ſwallowed up in theirs Thoughts our Religion and Liberties, and now ſaw themſelves defeated by this means, bended all their Endeavours, and raiſed all their Forces to deſtroy it.

Firſt; Whilſt the Scotiſh Army remained here, they endevoured to incenſe the two Nations, and engage their Armies one againſt the other, that in ſuch a Confuſion as needs muſt have followed, the Parliament might not be able to ſit; and thoſe Forces deſtroying one another, might open ſome Opportunity for them to gain their Ends upon both Kingdoms; and that then as their *Need*, ſo the *Being* of the Parliament might ceaſe. The Wiſdom of the Parliament prevented that Miſchief, and compoſed thoſe great Differences betwixt the King and the Kingdom of *Scotland*. That Plot failing, they endeavoured to turn the *Engliſh Army* againſt the Parliament: this was diſcovered, the chief Actors fled, and the Danger avoided. Then they labour to ſtir up the *Scotiſh Army* againſt us; but ſuch was the Faithfulneſs and Affection of thoſe our Brethren, that they could not effect it.

After this they carry the King into *Scotland*, to try if a Party could be there raiſed to ſuppreſs, firſt, the good Party in that Kingdom, and ſo compaſs their intended purpoſe here. At the ſame time the Rebellion in *Ireland* (an Egg likewiſe of their hatching) breaks out, but their Plot failed in *Scotland*: yet upon hopes of ſucceſs there, ſuch Preparatives were here, and ſuch Recourſe of ill-affected Perſons to this Town, that the Parliament thought it neceſſary for their own Security, to have a Guard. The King upon his return inſtantly diſmiſſes *that Guard*, and puts *another* upon us, which produced ſuch ill Effects, as we were glad to diſmiſs them, and rather run any hazard than have any *ſuch Guard*.

Thus left *naked*, preſently ſome Members of both Houſes are unjuſtly charged with *Treaſon*; and the King comes with a Troop of Cavaliers to the Houſe of Commons to fetch thoſe away *by Force*, whom he had cauſed to be ſo unjuſtly accuſed; the greateſt Violation of the Priviledges of Parliament that ever was attempted, and ſo manifeſt a Deſtruction of the Rights of the Subject, which are only preſerved by Parliament; that the City of *London* took a pious and generous Reſolution to guard the Parliament themſelves, which ſo grieved and enraged thoſe wicked Perſons, who had engaged the King in that laſt, and all thoſe other Deſigns and Practiſes againſt the Parliament, that they make him forſake *White-hall*, under pretence that his

his Perſon was there in danger, a Suggeſtion as *falſe* as the Father of Lies can invent. 18 Car.

Then do they work upon Him, and upon the *Queen*, perſwade her to retire out of the Kingdom, and carry him further and further from the Parliament, and ſo poſſeſs him with an hatred of it, that they cannot put words bitter enough into his Mouth, to expreſs it upon all Occaſions: They make him croſs, oppoſe, and inveigh againſt all the Proceedings of Parliament; encourage and protect all thoſe who will affront it; take away all Power and Authority from it, to make it contemptible and of leſs eſteem than the meaneſt Court; draw away the Members, commanding them to come to him to *York*; and inſtead of diſcharging their Duty in the Service of the Parliament, to contribute their Advice and Aſſiſtance to the Deſtruction of it; endeavour to poſſeſs the People, that the Parliament will *take away the Law*, and introduce an *Arbitrary Government*; a thing which every honeſt moral Man abhors, much more the Wiſdom, Juſtice and Piety of the two Houſes of Parliament: And in truth ſuch a Charge, as no rational Man can believe it, it being *unpoſſible* ſo many ſeveral Perſons as the Houſes of Parliament conſiſt of, (about 600) and in either Houſe all of equal Power, ſhould all of them, or at leaſt the *major* part, agree in Acts of Will and Tyranny, which make up an Arbitrary Government; and moſt improbable, that the Nobility, and chief Gentry of this Kingdom, ſhould conſpire to *take away the Law*, by which they enjoy their Eſtates, are protected from any Act of Violence and Power, and differenced from the meaner ſort of People, with whom otherwiſe they would be but Fellow-ſervants.

To make all this good upon the Parliament, and either make the Kingdom believe it, or ſo awe it, as no Body ſhall dare to ſay the contrary, Force is prepared, Men are levied, and the Malignant Party of the Kingdom, as was before ſpecified, that is, Papiſts, the Prelatical Clergy, Delinquents, and that part of the Nobility and Gentry, which either fear Reformation, or ſeek *Preferment* by betraying their Countrey, to ſerve the Court, have combined to bury the Happineſs of this Kingdom in the ruin of this Parliament; and by forcing it, to cut up the Freedom of Parliament by the Root, and either *take all Parliaments away*, or, which is *worſe*, make them the *Inſtruments of Slavery*, to confirm it by Law, and leave the Diſeaſe incurable.

That done, then come they to crown the Work, and put that in Execution which was firſt in their Intention, that is, the changing of Religion into Popery and Superſtition.

All this while the two Houſes of Parliament have, with all Duty and Loyalty, ſtill applyed themſelves unto his Majeſty, and laboured, by humble Prayers, and clear convincing Reaſons and Arguments in ſeveral Petitions, to ſatisfy him of their Intentions, the juſtneſs of their Proceedings, their deſire of the Safety of his Royal Perſon, and of the Peace of the Kingdom.

And not only to preſerve that Peace, and prevent the pernicious Practices of theſe Incendiaries, (ſuch as the Lord *Digby*, who at firſt perſwaded the King to get into ſome *ſtrong Place*, that he might protect thoſe whom he ſtiled the King's *Servants*, but in truth ſuch as do divide him from his Parliament and Kingdom, and might be revenged upon his Parliament, where he ſaid *Traitors* bear that ſway, who in the mean time promiſed he would do him Service abroad; which by his own Letters appears to be the procuring Supplies againſt the Kingdom and Parliament, with which he himſelf ſaid he would return; as ſince he hath done, diſguiſed, with ſtore of Arms, in the Ship called *The Providence*; and who attempted upon the King's firſt going from *White-hall*, to raiſe ſome numbers of Horſe and Foot under the colour of a Guard for his Majeſty, to be the Foundation of an Army againſt the Parliament; which then failing, hath ſince taken Effect, and ſhews what was then in their Thoughts, before *Hull*, or the *Militia*, or any thing elſe of that nature was in queſtion); the Parliament thought fit to ſecure *Hull*, (leſt it might be a Receptacle of ſuch ill-affected Perſons, and of what Aid could be gotten from Foreign Parts) the Fleet under the Earl of *Warwick* to defend the Kingdom, and prevent ſuch Miſchief from Abroad; the Magazine of Arms, that they ſhould not be employed againſt us, and the *Militia* of the Kingdom in ſuch Hands as the Parliament might confide in, to ſuppreſs Commotions within our Selves.

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And how neceſſary this was to be done, the ſucceeding Deſigns and Practices upon them all, do ſufficiently manifeſt; and great cauſe hath the whole Kingdom to bleſs God, who put it into the Heads and Hearts of the Parliament to take care of theſe Particulars. For were theſe pernitious Perſons about the King maſters of them, how eaſy would it be for them to maſter the Parliament, and maſter the Kingdom? And what could we expect but Ruine and Deſtruction from *ſuch Maſters*, who make the King in this manner revile, and deteſt us and our Actions? ſuch, who have embarqued him in ſo many Deſigns to overthrow this Parliament? ſuch, who have long thirſted to ſee Religion and Liberty confounded together?

Let the World now judg, what more could be done by us than we have done, to appeaſe his Majeſty, and regain his Grace and Favour, if (after the preſenting ſuch a Petition as the laſt was, ſo full of ſubmiſs, humble, affectionate deſires of Peace, ſo full of Duty and Loyalty, as we thought *Malice* it ſelf could not have excepted againſt it? And having received ſo ſharp a Return, ſuch Expreſſions of Bitterneſs, a Juſtification and avowed Protection of Delinquents from the Hand of Juſtice, Demands of ſo apparent Danger, ſuch manifeſtations of an Intention to deſtroy us, and with us the whole Kingdom; and this moſt clearly evidenced by their ſubſequent Actions, even ſince theſe Propoſitions have been made unto us from his Majeſty, overrunning ſeveral Counties, compelling the Trained-Bands by Force to come in and join with them; or diſarming them, and putting their Arms into the Hands of lewd and deſperate Perſons, thereby turning the Arms of the Kingdom againſt it ſelf) it be not fit for us, not only not to yield to what is required, but alſo to make *further Proviſion* for the preſervation of our ſelves, and of thoſe who have ſent us hither, and intruſted us with all they have, Eſtates, Liberty and Life, and that which is the *Life of their Lives*, their Religion; and even for the Safety of the King's Perſon now environed by thoſe, who carry him upon his own Ruin, and the Deſtruction of all his People; at leaſt to give them warning that all this is in danger; That if the King may force this Parliament, they may bid farewel to all Parliaments from ever receiving Good by them; and if Parliaments be loſt, they are loſt; their Laws are loſt, as well thoſe lately made, as in former times, all which will be cut in ſunder, with the ſame Sword now drawn for the deſtruction of this Parliament.

Then if they will not come to help the Parliament, and ſave themſelves, though both they and we muſt periſh, yet have we diſcharged our Conſciences, and delivered our Souls, and will look for a Reward in Heaven, ſhould we be ſo ill requited upon Earth, by thoſe of whom we have ſo well deſerved; which we cannot fear, having found upon all Occaſions, ſuch real Demonſtrations of their Love and Affection, and of their right Underſtanding and Apprehenſion of our and their common Danger, eſpecially now, that the Queſtion is ſo clearly ſtated, and that it appeareth that neither *Hull*, nor the *Militia*, nor the Magazine, are the Grounds of the War, which is ſo furiouſly driven on againſt us by a Malignant Party of Papiſts, thoſe who call themſelves Cavaliers, and other ill-affected Perſons; but ſo far forth only as the Parliament, and all the Members of both Houſes, and all other Perſons who have ſhewed themſelves forward for the Defence of the Sincerity of Religion, the Laws and Liberties of the Kingdom, and the juſt Power and Priviledges of Parliament are preſerved and ſecured thereby.

For the many Deſigns upon the Parliament above-mentioned, the Attempts to be poſſeſſed of *Hull*, and of the Magazine, by ſending thither Captain *Leg* (a Delinquent to the Parliament, for having had a hand in the treaſonable practice to bring up the Army againſt us) and the Earl of *Newcaſtle* in a diſguiſed Habit, which was in purſuance of the Lord *Digby*'s Advice, and the endeavouring to raiſe Forces under pretence of a Guard to the King's Perſon in the Winter; All this before we meddled with *Hull*, or Magazine, or *Militia*, ſhew plainly that our Act in ſecuring them, was not the Cauſe of the King's taking up Arms, and exerciſing Hoſtility upon his loving and loyal Subjects, which was in the Thoughts and Endeavours of thoſe about the King, who then had, and ſtill have the greateſt Influence upon his Counſels, before we thought of *Hull*, or *Militia*, or any thing elſe of that nature; and then that our reſigning of them now, would not prevail with him to make him *lay down* his Arms, and return to his Parliament,

liament, and gratify the earneſt and longing Deſires of his People, to enjoy his Preſence, Favour and Protection: But that if he could recover, either by our Reſignation, or any other way, places of ſo much advantage to him, and weakning to us, uſe would be made of them to our infinite Prejudice and Ruin, the Intention being ſtill the ſame, not to reſt ſatisfied with having *Hull*, or taking away the Ordinance of the *Militia*; but to *deſtroy the Parliament*, and be Maſters of our Religion and Liberties, to make *us Slaves*, and alter the Government of this Kingdom, and reduce it to the condition of ſome other Countries, which are not governed by Parliaments, and ſo by Laws, but by the *Will* of the Prince, or rather of thoſe who are about him. 18 *Car.*

Yet willingly would we give his Majeſty ſatisfaction in theſe Particulars, (and ſo have we offered it) could we be ſecured, that diſarming our ſelves, and delivering them up to his Majeſty, (as the Sword of Juſtice is already put into the hands of divers Popiſh, and other ill-affected Perſons, by putting them into the Commiſſions of the Peace, and other Commiſſions, and putting out others that are well-affected, ſo) we ſhould not for our own Deſtruction put the *Military Sword* into the hands of thoſe evil Counſellors, and ill-affected Perſons who are ſo prevalent with his Majeſty, Papiſts many of them, or very late Converts, by taking the Oaths of Supremacy and Allegiance, for which they may very well have a Diſpenſation or Indulgence, to be enabled thereby to promote ſo great a Service for the Popiſh Cauſe, as to deſtroy the two Houſes of Parliament, and through their Sides the Proteſtant Religion.

But we have too juſt cauſe to believe and know, conſidering thoſe continued Deſigns upon us, and the compoſition of the King's Army, and of his Counſel at this time, that theſe things are deſired to be made uſe of to our Deſtruction, and the Deſtruction of that which we are bound by our Proteſtation to defend; and wo to us if we do not at leaſt do our utmoſt endeavour in it, for the diſcharge of our Duties, and the ſaving of our Souls, and leave the Succeſs to God Almighty.

Therefore we the Lords and Commons, are reſolved to expoſe our Lives and Fortunes for the Defence and Maintenance of the true Religion, the King's Perſon, Honour and Eſtate, the Power and Privileg of Parliament, and the juſt Rights and Liberties of the Subject.

And for the prevention of that miſchievous Deſign, which gives motion to all the reſt, and hath been ſo ſtrongly purſued theſe many Years; the altering of our Religion, which if God in his Mercy had not miracuouſly diverted, long ago had we been brought to the Condition of poor *Ireland*, weltering in our own Blood and Confuſion.

And we do here require all thoſe who have any ſenſe of Piety, Honour or Compaſſion, to help a diſtreſſed State, eſpecially ſuch as have taken the Proteſtation, and are bound in the ſame Duty with us unto their God, their King and Country, to come in to our Aid and Aſſiſtance: This being the true cauſe for which we raiſe an Army, under the command of the Earl of *Eſſex*, with whom in this Quarrel we will live and die.

A Declaration of the Lords and Commons aſſembled in Parliament.

Parliaments Declaration to fight with, *&c.* thoſe that put in Execution the Array. *Aug.* 8.

WHereas certain Information is given from ſeveral parts of the Kingdom, that divers troops of Horſe are employed in ſundry Counties of the Kingdom, and that others have Commiſſion to raiſe Horſe and Foot, to compel his Majeſty's Subjects to ſubmit to the illegal Commiſſion of Array, out of a traiterous intent to ſubvert the Liberty of the Subject, and the Law of the Kingdom; and for the better ſtrengthning themſelves in this wicked Attempt, do join with the Popiſh and Jeſuitical Faction, to put the Kingdom into a Combuſtion and Civil War, by levying Forces againſt the Parliament, and by theſe Forces to alter the Religion, and the ancient Government, and lawful Liberty of the Kingdom, and to introduce Popery and Idolatry, together with an Arbitrary Form of Government: And in purſuance thereof, have traiterouſly and rebelliouſly levied War againſt the King, and by force robbed, ſpoiled and ſlain divers of his Majeſty's good Subjects travelling about their lawful and neceſſary Occaſions in the King's Protection, according to Law, and namely that for the

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end and purpoſe aforeſaid, the Earl of *Northampton*, the Lord *Dunſmore*, Lord *Willowby* of *Eresby*, Son to the Earl of *Linſey*, *Henry Haſtings* Eſq; and divers other unknown Perſons in the Counties of *Lincoln*, *Nottingham*, *Leiceſter*, *Warwick*, *Oxfordſhire*, and other places, the Marqueſs of *Hertford*; the Lord *Paulet*, Lord *Seymer*, Sir *John Stowell*, Sir *Ralph Hopton*, *John Digby* Eſq; and other their Accomplices, have gotten together great Forces in the County of *Sommerſet*.

The Lords and Commons in Parliament duly conſidering the great Dangers which may enſue upon ſuch their wicked and traiterous Deſigns; and that if by this means the Power of the Sword ſhould come into the Hands of Papiſts and their Adherents, nothing can be expected but the miſerable Ruin and Deſolation of the Kingdom, and the bloody Maſſacre of the Proteſtants; they do declare and ordain, that it is, and ſhall be lawful for all his Majeſty's loving Subjects, by force of Arms to reſiſt the ſaid ſeveral Parties, and their Accomplices, and all other that ſhall raiſe or conduct any other Forces for the Ends aforeſaid, and that the Earl of *Eſſex* Lord General, with all his Forces raiſed by the Authority of Parliament; as likewiſe the Lord *Say*, Lieutenant of *Oxfordſhire*, Earl of *Peterborough*, Lieutenant of *Northamptonſhire*, Lord *Wharton*, Lieutenant of *Buckinghamſhire*, Earl of *Stamford*, Lieutenant of *Leiceſterſhire*, Earl of *Pembrooke*, Lieutenant of *Wiltſhire* and *Hampſhire*, Earl of *Bedford*, Lieutenant of *Sommerſetſhire* and *Devon*, Lord *Brooke*, Lieutenant of *Warwickſhire*, the Lord *Cramborne*, Lieutenant of *Dorſetſhire*, the Lord *Willoughby* of *Parham*, Lieutenant of *Lincolnſhire*, and all thoſe who are or ſhall be appointed by Ordinance of both Houſes to perform the place of Deputy-Lieutenants, and their Deputy-Lieutenants reſpectively, *Denſill Hollis* Eſq; Lieutenant of the City and County of *Briſtoll*, and the Mayors and Sheriffs of the City, and Deputy-Lieutenants there, and all other Lieutenants of Counties, Sheriffs, Mayors, Deputy-Lieutenants, ſhall raiſe all their Power and Forces of their ſeveral Counties, as well Trained-Bands as others, and ſhall have Power to conduct, and lead the ſaid Forces of the ſaid Counties againſt the ſaid Traitors and their Adherents, and with them to fight, kill and ſlay all ſuch as by Force ſhall oppoſe them, and the Perſons of the ſaid Traitors, and their Adherents and Accomplices to arreſt and impriſon, and them to bring up to the Parliament, to anſwer this their Traiterous and Rebellious Attempts according to Law; and the ſame or any other Forces to tranſport and conduct from one County to another, in Aid and Aſſiſtance one of another, and of all others that ſhall joyn with the Lords and Commons in Parliament, for the Defence of the Religion of Almighty God, and of the Liberties and Peace of the Kingdom, and in purſuit of thoſe wicked and rebellious Traitors, their Conſpirators, Aiders, Abettors and Adherents, requiring all Lieutenants of Counties, Sheriffs, Mayors, Juſtices of Peace, and others his Majeſty's Officers and loving Subjects, to be aiding and aſſiſting to one another in the Execution thereof, and for their ſo doing, all the Parties above-mentioned, and all others that ſhall joyn with them, ſhall be juſtified, defended and ſecured by the Power and Authority of Parliament.

His Majeſty's Declaration in Anſwer to the foregoing Declaration.

'AS much Experience as We have had of the inveterate Rancor and high 'Inſolence of the Malignant Party againſt Us, We never yet ſaw any 'Expreſſion come from them ſo evidently declaring it, as the Declaration, 'intituled, *A Declaration of the Lords and Commons aſſembled in Parliament, for the 'raiſing of all Power and Force, as well Trained-Bands, as others in ſeveral Counties 'of this Kingdom, to lead againſt all Traitors and their Adherents*, &c. In which 'that Faction hath, as it were diſtilled and contracted all their Falſhood, Inſo- 'lence and Malice, there being in it not one Period which is not either ſlande- 'rous or treaſonable. And nothing can more grieve Us, than that by their 'infinite Arts and Subtilty (imployed by their perpetual and indefatigable 'Induſtry) and by that Rabble of Browniſts and other Schiſmaticks, declaredly 'ready to appear at their Call, they ſhould have been able ſo to draw away 'ſome, and drive away others of Our good Subjects from our Parliament, as

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'to prevail with the major part remaining of both Houſes (how much ſoever 'that *major* part be the *ſmaller* in compariſon of the whole) to ſuffer that Name '(whoſe *Reverence* by all means We deſire to preſerve) to be ſo ſoiled, as to 'be prefix'd to a Paper of this inſufferable nature, that tends not only to the 'Deſtruction of our Perſon, but to the Diſſolution of this Government, and of 'all Society; if at leaſt this Declaration (which We rather ſee cauſe to hope it 'hath not) have ſo much as been ſeen in the Houſes, and be not the ſingle 'Work of *the ſame Omnipotent Committee*, to which is devolved the whole Power 'of the Parliament, and which, as We underſtand, is truſted (without acquaint-'ing the Houſes) to break up any Man's Houſe, and take away the Arms and 'Money, intended to defend and feed him (if they ſhall ſee cauſe to ſuſpect that 'he meant to aſſiſt his Soveraign with them) and may well be as fully and im-'plicitly truſted to *declare*, as to *act* whatſoever they pleaſe. And though We 'doubt not but to their utmoſt they will continue that Injury to Us, and that 'Violation of the Subject's Liberty, and of publick Right, to vex and impriſon 'thoſe who ſhall publiſh any of our Anſwers to their Declarations (and in-'deed whilſt they affirm againſt all *Truth*, and command againſt all *Law*, it 'concerns them to take care, that nothing be heard but what they ſay) yet our 'Comfort is, that our Intentions, and the Duty of our Subjects are ſo well and 'ſo generally known to our People, that We cannot fear (from whom ſoever 'it come, and tho no Anſwer came out with it) that either what is there ſaid, 'ſhould be *believed*, or what is there commanded, ſhould be *obeyed*. Who knows 'not, that our Commiſſions for Horſe and Foot were not granted out till not 'only our Prerogative, but our Propriety, our Goods, Arms, Towns, *Militia*, 'and Negative Voice were taken from Us, and all the Kingdom commanded to 'be in Arms, and invited to bring in Horſe, Plate and Money, to frame an Army 'againſt our Command and Proclamation, and till Horſe were raiſed and 'muſter'd accordingly? and then with no Intention (nor hath any Action in any 'of our Miniſters given the leaſt ſuſpicion of ſuch an Intention) by them to 'compel our Subjects to ſubmit to our *Commiſſions of Array*, or make uſe of 'them againſt the Parliament; but to regain *Hull*, held out in Rebellion againſt 'Us, and to ſuppreſs all ſuch as without our Authority, and againſt our Com-'mands, ſhould raiſe Forces in this our Kingdom, and levy War againſt Us, 'under pretence of any Order or Ordinance of one or both Houſes? And ſuch 'traiterous Aſſemblies and Marches have been the only lawful and neceſſary 'Occaſions of our good Subjects, which have not been ſo much as interrupted 'by any Troops of Ours. And what is affirmed of the ſpoiling and *killing* them, 'as they were ſo travelling under our Protection, and according to Law, is a 'moſt malicious Affirmation, as well without Truth, as without Inſtance, 'invented at once to make our Troops terrible, and Us *odious* to our 'People.

'What care have We taken, that by this means the Power of the Sword 'ſhould not come into the hands of Papiſts, who have by our Proclamation 'ſtrictly charged, That *no Papiſts* ſhould preſume to liſt himſelf, either as Officer 'or Souldier in this our Army, having directed how he ſhould be diſcovered, if 'he did preſume; and ſuffer, if he were diſcovered? What care have We taken 'to avoid Combuſtion and Civil War, offering to lay down our Arms when 'they ſhould have laid down theirs, in whom it was Treaſon to take them up, 'and reſtored Us thoſe things which could not without Treaſon, as well as In-'juſtice, be forced away and kept from Us, our Arms, Ships, Town, *&c.* And 'when We might meet both our Houſes in a ſafe and ſecure place to debate 'freely of all the Differences in a Parliamentary Way; And by whoſe Influences 'theſe Propoſitions were rejected; and whether the Propoſers or Rejecters 'were moſt careful to avoid this Ruin and Diſſolation of the Kingdom, We leave 'all the World to judg? And whether they who divert the Men and Money col-'lected for the Relief of diſtreſſed *Ireland*, to raiſe Forces againſt their Prince '(who *aſks* them nothing but what is legal, nor will *deny* them any thing that 'is) do not joyn with the Popiſh and Jeſuitical Faction in the Bloody Maſſa-'cre of many thouſand Proteſtants in that miſerable Kingdom? We propoſe 'likewiſe to every Man's Judgment, whether the declaring thoſe to be Traitors 'who execute our Commiſſion of Array (iſſued in ſo many Kings Reigns, a-'greed upon by Parliament, and there yielded to by the King, to be ſettled as

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'now it is, as a matter of great Grace; and ſince that time, which was in '5 *Hen.* 4. in no Parliament complained of) whilſt our good Subjects are 'vexed and impriſoned, not only for reſiſting, but for humbly petitioning, ſo 'as may ſeem but to inſinuate ſomething againſt their moſt illegal Commands 'concerning the *Militia*; (to which Power of Commanding, no Title can be 'made by any Statute, or any Precedent, nor can We ever find by ſearch, nor ob-'tain to be told what thoſe *Fundamental Laws* are by which it is pretended; ſo 'deep thoſe Foundations are laid beyond all means of Diſcovery.) And the 'declaring that thoſe who raiſe Men by virtue of our Command and Commiſſi-'on (the only legal way) traiterouſly and rebelliouſly levy War againſt the 'King, and ordaining it to be lawful for all our Subjects by force of Arms 'to reſiſt them and their Accomplices; and the raiſing Forces by Authority of 'Parliament (that is, by the remaining part of both Houſes) never in the 'moſt outragious Times before attempted, and commanding ſeveral Perſons, 'whom they call Lieutenants, to lead, and giving them Power to tranſport 'from one County to another the Forces of ſeveral of our Counties againſt 'them, and to kill and ſlay all ſuch as by Force ſhall oppoſe them, Our Self 'not excepted; commanding all our Officers and Subjects to be aſſiſting to 'them, and undertaking to ſecure them for ſo doing, by the Power and Autho-'rity of Parliament (which is firſt to *allow*, and next to *command*, and then to '*pardon* Treaſon) be not to have already ſubverted, as much as in them lies, the 'Liberty of the Subject, the Law of the Land, and altered the ancient Go-'vernment of the Kingdom, leaving our Subjects without all Rule to walk 'by, when the moſt clear Laws cannot direct and ſecure them, and they ſee all 'thoſe ancient Bounds paſt over, which were ever as much known to be the Duty 'of both Houſes to obſerve, as it is evident that there were, and that it was 'neceſſary there ſhould be, two Houſes of Parliament; and at once behold 'the Law (which is to protect and defend the Subject) and Us (who are to pro-'tect and defend the Law) need Defence and Protection. We doubt not there-'fore, but all our good Subjects will come in to our Aſſiſtance, and that this 'wicked Charge of intending to introduce Popery, Idolatry, and Arbitrary Go-'vernment, laid by Implication upon Us (becauſe We defend Our Self, and would 'recover Our own) will be ſo far from being a Motive againſt Us, that this 'intollerable Indignity and damnable Scandal (ſo daily and viſibly confuted by 'all our Profeſſions and Actions) will increaſe our good Subjects Zeal towards 'Us, and their Indignation againſt the Contrivers: And that they will eſteem 'themſelves obliged by the Religion of Almighty God to oppoſe this War, ſo 'impiouſly, ſo treaſonably, and ſo groundleſly made upon Us their King, and 'his Anointed. We therefore require all our Commiſſioners of Array, Sheriffs, 'and all our other Officers and Miniſters, to raiſe all the Power and Forces of 'their ſeveral Counties, to aſſiſt the Marqueſs of *Hertford*, the Earl of *Northampton*, 'the Lord *Willoughby* of *Eresby*, the Lord *Paulet*, the Lord *Dunſmore*, the Lord '*Seymour*, *Henry Haſtings* Eſq; Sir *John Stowell*, Sir *Ralph Hopton*, *John Digby* Eſq; 'and all others, in the legal and neceſſary Execution of our Commiſſions 'of Array; and in the raiſing and conducting of ſuch Horſe and Foot as ſhall 'be raiſed by our Commiſſion, and by Force of Arms to oppoſe the Earl 'of *Eſſex*, the Lord *Say*, and all other that ſhall raiſe or conduct any Forces 'raiſed by pretence of Authority of both Houſes; and the Perſons of all 'ſuch Traitors and their Adherents and Accomplices to arreſt and impriſon, 'to the end they may be brought to a fair and legal Trial by their Peers, 'and according to the Law. And this We requſre from them, as they tender 'the Defence of our Perſon, the true Religion, the Law of the Land, the Li-'berty and Property of the Subject, and the true and juſt Priviledges of Par-'liament: And for ſo doing they ſhall be defended and ſecured by Us, and 'by the Law; with whom, and with which We doubt not but our Sub-'jects will ſooner chuſe to live and die, than with the Earl of *Eſſex* and his 'Adherents.

By

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By the KING.

A Proclamation for the ſuppreſſing of the preſent Rebellion, under the Command of Robert *Earl of* Eſſex: *And the gracious Offer of his Majeſty's free Pardon,* &c.

'WHereas, now at the laſt, thoſe ſeditious and traiterous Counſels and Conſultations, which have been long in deſign, and which long ſince We foreſaw, have produced ſuch manifeſt and open Effects of Treaſon and Rebellion againſt Us, that there are already great numbers of Horſe and Foot raiſed, arrayed, muſtered and trained, under pretence of Authority of Our two Houſes of Parliament, without and againſt our Conſent, in and about our Cities of *London* and *Weſtminſter*, in a Warlike manner; and there are many more in raiſing with ſpeed: and *Robert* Earl of *Eſſex*, by the ſaid pretended Authority, without our Conſent, hath been nominated to be Captain-General of thoſe Troops and Forces; and he forgetting the Duty and Allegiance which he oweth to Us his Soveraign, hath taken upon him, and accepted that Title and Command of Captain-General, and in that Quality appeareth amongſt the Souldiers, animating and encouraging himſelf and them in theſe Traiterous and Rebellious Deſigns. And as it is now notoriouſly known, the ſaid Earl and his Adherents intend ſpeedily to march from thence towards the North, where We now reſide, and in a Warlike manner to aſſail and oppoſe Us, and thoſe who ſhall attend and aſſiſt Us, under pretence of defending our Perſon, and the two Houſes of Parliament; and prepare traiterouſly to ſurprize or beſiege our Town of *Portſmouth*, and to poſſeſs themſelves thereof with Force, the ſame being a Town and Port of great Importance in the Weſtern Parts of this Kingdom; and alſo to ſurprize, or by Force to take and poſſeſs themſelves of all other Caſtles, Forts and Places of Strength within this Kingdom, and all this to ſtrengthen them and their Party, in theſe their Traiterous and Rebellious Deſigns; all which are not now taken up by Us, upon Information of others, and by Conjecture, but do manifeſtly appear to the whole World by that inſolent and prodigious Commiſſion of Captain-General over the whole Kingdom of *England*, and Dominion of *Wales*, which in the Name of the two Houſes of Parliament is granted unto the ſaid Earl; but hath indeed been contrived by ſome few Malignant Perſons, Members of either Houſe, whereby they have mentioned to confer upon him; and the ſaid Earl, under that colour hath aſſumed unto himſelf thoſe Titles, and begun to put in Execution thoſe Powers and Authorities which are inconſiſtent with our Soveraignty: All which is ſo done, contrary to all Rules of Religion, Laws, Allegiance or common Honeſty.

'We do now therefore publiſh and declare, by this our Royal Proclamation, 'That the ſaid publick and notorious Acts and Actions of the ſaid Earl, are 'Acts and Actions of High-Treaſon, being a manifeſt levying of War againſt 'his natural Liege Lord and King, expreſly within the words and meaning of 'the Statute made in the twenty fifth Year of King *Edward* the Third, declaring 'the ſame; of which in Law there neither is, nor can be any doubt. And that 'the ſaid Earl of *Eſſex* is a Rebel and Traitor unto Us, and to our Crown; 'and that he, and all Coloneis, Captains, and Officers, which upon notice here-'of, ſhall not immediately quit their Commands under him, or any others, by 'the like unlawful and uſurped Power without and againſt Us, are alſo guilty of 'High-Treaſon within that Statute, and ought to be adjudged, and eſteemed, and 'proceeded againſt as Traitors and Rebels.

'And yet, out of our Grace and Clemency towards ſuch of our Subjects 'as have been abuſed and miſled by the ſaid Earl, and ſuch others as joyn them-'ſelves with him in theſe deſperate Courſes, and to preſerve the Peace of this 'Kingdom, (if it be poſſible) and to avoid the ſhedding of Blood, We, abhor-'ring the name of a Civil War, if it can by any good means be avoided, 'do by this our Proclamation admoniſh the ſaid Earl and all our Subjects whom

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'it may concern, which are now already joyned, or ſhall joyn themſelves to 'the ſaid Earl, in this Act of Hoſtility, that forthwith they lay down their 'Arms, as well Horſe as Foot, and all other Preparations for the War; and in- 'ſtantly, without delay, return to their own Homes and Habitations, and there 'quietly and peaceably imploy and beſtow themſelves in their proper Vocations 'and Callings, and that hereafter they meddle not or interpoſe themſelves in theſe 'or any the like rebellious and traiterous Undertakings or Actions: Which if 'they do readily and really perform, within ſix days after the Date of theſe 'Preſents, We do hereby promiſe and undertake, in the Word of a King, 'That We will freely extend our Mercy unto them, and grant unto them Our 'free and full Pardon, for all that hath been or ſhall be committed before that 'time. But if they ſhall neglect this our Grace and Favour now extended unto 'them, and perſiſt in any Acts of Hoſtility againſt Us, or not disband upon 'notice of this our Proclamation, We ſhall eſteem of them as Rebels and 'Traitors to Us, and to our Crown, and as publick Enemies to the happy 'Peace of this Kingdom; and that from thence We ſhall proceed againſt 'them, and deal with them as Rebels and Traitors; and by the Bleſſing of God, 'in whom We put our Confidence, and by the Aſſiſtance of our Faithful and 'Good Subjects, upon whoſe Fidelity and Affections We relie, We doubt 'not but We ſhall ſo prevail againſt all their traiterous Conſpiracies and re- 'bellious Machinations, as ſhall vindicate our Honour, and the Honour of our 'Crown, preſerve Our good and loyal Subjects from their Malice and Fu- 'ry, and reſtore and ſettle the Peace of this Kingdom, and make the Delin- 'quents ſo exemplary, as ſhall deter others from ever attempting the like Inſo- 'lencies.

'And We hereby require and command all our Commiſſioners of Array, 'Lieutenants, Deputy-Lieutenants, Sheriffs, Juſtices of Peace, Mayors, and 'all other our Officers, Miniſters, and loving Subjects, That they and every of 'them, in their ſeveral Places, do their beſt and uttermoſt Endeavours to reſiſt 'and ſubdue the ſaid Earl and his Adherents, and thoſe who ſhall aid them or 'any of them, and to apprehend or otherwiſe to deſtroy them, and every of 'them, that ſo they may receive condign Puniſhment for their Diſloyalty. And 'that they be ready, according to their Duties and Allegiance, to aſſiſt Us, and 'thoſe our good Subjects who do adhere unto Us, according to our juſt Com- 'mands in or concerning the Premiſſes.

'And more particularly We require and command our Commiſſioners of Ar- 'ray, Lords-Lieutenants, Deputy-Lieutenants, Captains and Officers of our 'Trained-Bands, of or in our Counties of *Southampton*, *Suſſex* and *Surrey*, that ſo 'many of them as to that purpoſe Colonel *Goring* ſhall call to his Aid, as he 'ſhall ſee cauſe, ſhall, with ſuch Forces as are under their Command, repair un- 'to our ſaid Town of *Portſmouth*, to aſſiſt the ſaid Colonel *George Goring*, our 'Captain and Governour of the ſaid Town, for the Defence of the ſaid Town, 'and to Oppoſe, Reſiſt, and Deſtroy all thoſe, who under the Command of the 'ſaid Earl of *Eſſex*, or any other, ſhall attempt any Violence againſt the ſaid Town.

'And We do further require and Command, Our Right-truſty and Right well- 'beloved Couſin and Counſellor, *William* Marqueſs *Hertford*, That with all 'ſpeed he raiſe all the Forces he can, within all or any the Counties contained 'within that Commiſſion We have given unto him, whereby he is made Our 'Lieutenant-General of all our Forces within our Counties of *Devon*, *Cornwal*, '*Somerſet*, *Dorſet*, *Wilts*, *Southampton*, *Gloceſter*, *Berks*, *Oxford*, *Hereford*, *Mon*- 'mouth, *Radnor*, *Brecknock*, *Glamorgan*, *Carmarthen*, *Pembrock*, *Cardigan*: Our Ci- 'ties of *Exeter*, *Briſtol*, *Gloceſter*, *Oxford*, *Bath* and *Wells*, New *Salisbury* and *Hē- 'reford*, and the Counties of the ſame: The Towns of *Pool* and *Southampton*, and '*Haverford* Weſt, and the Counties of the ſame; and with the Trained-Bands 'of thoſe Counties and others, who ſhall voluntarily offer their Service to march 'againſt the ſaid Earl, or any others under his Command, or under the Com- 'mand of any others not authoriſed by Us, and them to Reſiſt, Oppoſe and 'Subdue, and eſpecially for the Defence of the ſaid Town of *Portſmouth*, and 'for the *Iſle of Wight*, in our County of *Southampton*, as there ſhall be occaſion.

'And We do hereby deſire and require our Loyal and Loving Subjects, of and 'within the ſaid Counties, being of the Trained-Bands, or voluntary Levies 'within the ſaid Commiſſion, to repair with their Horſe and Foot, well Armed,

'Arrayed

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'Arrayed and Furniſhed, to ſuch place or places as the ſaid Marqueſs ſhall appoint; and that they, and all other Our good and loving Subjects within this Realm, ſhall, according to ſuch Directions as We ſhall give to that purpoſe, repair to Us at ſuch place where We ſhall pitch and ſet up our Royal Standard; and where We purpoſe, in Our own Perſon, to be preſent, and there and in ſuch Places, whither We ſhall conduct them, or cauſe them to be conducted, to ſerve us for the Defence of Us, and of our Kingdom, and of the true Proteſtant Religion, and the known Laws of the Land, and the juſt Liberties of our Subjects, and the juſt Priviledges of Parliament, and to ſuppreſs the Notorious and Inſolent Rebellion of the ſaid Earl and his Adherents, and reduce them to their due Obedience, and for re-ſetling of the happy Peace of this Kingdom.

'And in this time of urgent Neceſſity, which ſo much importeth the Safety, and even the very ſubſiſtance of Us and Our good People, We ſhall take it as an acceptable Service to Us, and much conducing to the Peace of our Kingdom, if Our loving and well-affected Subjects, within our ſaid Counties contained within our Commiſſion granted to the ſaid Marqueſs, do and will chearfully and voluntarily contribute unto Us, and give unto Us ſuch Aſſiſtance in Money or Plate as they ſhall think fit, by Loan or otherwiſe, to be delivered to the hands of the ſaid Marqueſs, or of the Commiſſioners of Array, for thoſe ſeveral Counties reſpectively, to be diſpoſed of to this publick Uſe, and not otherwiſe; and that our loving and well-affected Subjects of all other the Counties of this Kingdom, will, to the ſame uſe and not otherwiſe, contribute unto and aſſiſt Us in like manner, ſuch Contribution and Aſſiſtance to be paid or delivered to our Uſe, into the hands of our Commiſſioners of Array for thoſe other Counties reſpectively, or to ſuch of them as they ſhall nominate and appoint to that purpoſe.

'And laſtly, In all theſe Our juſt and neceſſary Commands, We require, That ready Obedience, from all our Commiſſioners, Sheriffs, Juſtices of Peace, Mayors, Conſtables, and other Officers and loving Subjects, in their ſeveral and reſpective Places, which appertaineth to their ſeveral Duties, as they tender our Honour and Safety, and the Honour, Safety, Peace and Proſperity of the Church and Kingdom of *England*, and as they will anſwer their Neglects at their utmoſt Perils.

'Given at our Court at *York*, the ninth day of *Auguſt*, in the eighteenth Year of our Reign, 1642.'

A Declaration and Reſolution of the Lords and Commons aſſembled in Parliament, concerning this his Majeſty's Proclamation.

THE Lords and Commons having received in a Letter from his Majeſty, a printed Paper, intituled, *A Proclamation for the ſuppreſſing of the preſent Rebellion, under the Command of* Robert *Earl of* Eſſex; *and the gracious Offer of his Majeſty's free Pardon to him, and all ſuch of his Adherents, as ſhall, within ſix days after the date thereof lay down their Arms*; do publiſh and declare, That the Matter of this libellous and ſcandalous Paper, is the Venom of thoſe traiterous Counſellors about his Majeſty, long ſince diſcovered, and ſo often complained of by both Houſes of Parliament, who having for many Years together carried on a wicked Deſign, to alter Religion, and to introduce Popery, Superſtition and Ignorance, the ready way to an Arbitrary and Tyrannical Government; and for that purpoſe, not only maintained Agents at *Rome*, but invited and procured ſundry Nuncios, or Agents, to be ſent into this Kingdom from the Pope, by which means Popery and Superſtition was ſo far advanced, that nothing but the Convening of this Parliament, occaſioned by the coming of the Scots, could in all humane Reaſon have prevented them in their Deſign, the only true Reaſon which theſe miſchievous Counſellors, maligning that Power which oppoſes it ſelf againſt their deſtructive and horrid Counſels, have now at laſt, as the maſterpiece of all their Machinations, adviſed his Majeſty, in effect, to proclaim at once, his Houſe of Peers, (the Hereditary Counſellors of the Kingdom)

An. 1642. and his Houſe of Commons, (the Repreſentative Body of the whole Commons of the Kingdom) to be all Rebels and Traitors; and by that Paper have endeavoured ſo to blind the Eyes of the People, as to make them guilty of their own Deſtruction, by helping to ſubdue and deſtroy the Parliament, (the only means, under God, to preſerve their Religion, Laws and Liberties) and to perſwade the Kingdom, that his Majeſty, by Aſſiſtance of *Papiſts*, and Perſons Popiſhly affected, will maintain the *Proteſtant Religion*; That by the help of Men *outlawed*, and of deſperate Fortunes, he will maintain the *Laws* of the Land; and with *Fugitives* from Parliament, and Delinquents to the Parliament, will preſerve the *Priviledges* thereof; an Attempt ſo deſperate, and ſo tranſcendently wicked, that the Lords and Commons do unanimouſly publiſh and declare, That all they who have adviſed, contrived, abetted, or countenanced, or hereafter ſhall abet or countenance the ſaid Proclamation, are Traitors and Enemies to God, the King and Kingdom, and guilty of the higheſt degree of Treaſon that can be committed againſt the King and Kingdom; and that they will, by the aſſiſtance of Almighty God, and of all honeſt Engliſh Proteſtants, and lovers of their Country, do their beſt Endeavours (even to the utmoſt hazard of their Lives and Fortunes) to bring all ſuch unparallel'd Traitors to a ſpeedy and exemplary Puniſhment.

And whereas the Lords and Commons in Parliament did formerly chuſe the Earl of *Eſſex* to be Captain-General of ſuch Forces as are, or ſhall be raiſed, for the maintenance of the true Proteſtant Religion, the King's Perſon, the Laws of the Land, the Peace of the Kingdom, the Liberty and Property of the Subject, and the Rights and Priviledges of Parliament, the ſaid Lords and Commons do declare, That they will maintain and aſſiſt him, and adhere unto him the ſaid Earl, with their Lives and Eſtates in the ſame Cauſe, as in Conſcience and Duty to God, the King and their Country, they are bound to do.

And laſtly, The Lords and Commons do further declare, That notwithſtanding thoſe wicked Counſels, which inclined his Majeſty to make War againſt our Brethren of *Scotland*, and by Prayers and Proclamations read in Churches, to pronounce them Rebels and Traitors, which with-held his Majeſty from ſetting forth any Proclamation againſt thoſe Bloody and Barbarous Rebels in *Ireland*, till *January* laſt, although the Rebellion broke forth the 23*d* of *October* before; and notwithſtanding the Importunity of both Houſes of Parliament, that a Declaration might iſſue to that purpoſe, have now adviſed and prevailed with his Majeſty, by this Proclamation, to invite his Subjects to deſtroy his Parliament and good People by a Civil War, and by that means to bring Ruin, Confuſion, and perpetual Slavery upon the ſurviving Part of a then wretched Kingdom. Yet the Lords and Commons, to witneſs their conſtant and unſhaken Loyalty and Affection to his Majeſty, do ſolemnly declare, That if his Majeſty ſhall immediately disband all his Forces, and be pleaſed to abandon thoſe wicked Counſellors, and leave them to condign Puniſhment, and return and hearken to the wholſome Advice of his Great Council; they will really endeavour to make both his Majeſty and his Poſterity, as Great, Rich and Potent, as much beloved at Home, and feared Abroad, as any Prince that ever ſwayed this Scepter; which is their firm and conſtant Reſolution.

By the KING.

A Proclamation declaring his Majeſty's expreſs Command, That no Popiſh Recuſant, nor any other, who ſhall refuſe to take the two Oaths of Allegiance and Supremacy, ſhall ſerve him in his Army: And that the Souldiery commit no Rapines upon the People, &c. Auguſt 10.

'WHereas We have heretofore, by our Proclamation, ſtraitly charged and commanded, That the Laws ſhould be put in due Execution a-'gainſt Popiſh Recuſants; and We have, and ſhall have it ſtill in our Care, 'to

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'to ſuppreſs and prevent the growth of Popery, and to uſe all good Means 'that may tend thereunto, and not to countenance Papiſts, by any Imploy- 'ment or Truſt, by or for Us. And whereas there are now at and near *Lon- 'don*, great Forces levied, and in levying, and Monies raiſing, by way of Con- 'tribution and otherwiſe, towards the Charge of raiſing and maintaining an Ar- 'my, or Forces, under pretence of the Order of Our two Houſes of Parlia- 'ment; not only without our Conſent, but contrary to Our ſeveral expreſs 'Commands, publiſhed by ſeveral Proclamations, Letters, and otherwiſe. 'And the ſame Forces are actually in ſo much forwardneſs, as that there are 'divers Horſemen daily Exerciſed and Trained in Places about *London*, and 'great Numbers of Foot in raiſing; and a General and other principal Offi- 'cers are nominated and declared, and they have accepted and taken upon 'them thoſe Places, and have already done ſeveral Acts of Hoſtility againſt 'Us, which clearly appear to be a levying of War againſt Us; We have 'found it neceſſary, to raiſe and levy Forces for the Defence of the true Pro- 'teſtant Religion, our Perſon, the two Houſes of Parliament, the Laws of 'the Land, the Liberty and Property of the Subject, and the juſt Priviledges 'of Parliament. And now, leſt any Popiſh Recuſants ſhould preſume to offer 'to ſerve Us herein, or procure themſelves to be liſted, as Officers, or Soul- 'diers in our Army, without our Knowledg; and to the end that our Intention 'herein may be clearly known, That whereas one principal Aim of raiſing theſe 'Forces, is, for the Defence and Maintenance of the true Proteſtant Reli- 'gion, We may not be ſerved with Papiſts, as falſly and ſlanderouſly hath 'been objected againſt Us, We do hereby declare Our expreſs Will and Plea- 'ſure to be, and We do hereby ſtraitly Command, That no Perſon or Per- 'ſons ſoever, being Popiſh Recuſants, ſhall preſume to come to our Court, 'contrary to the Law in ſuch Caſe provided; nor any Popiſh Recuſant, or 'Papiſt, take any Office, or Place, or Liſt himſelf as a Souldier in this Ser- 'vice.

'And to the end there may be as full diſcovery as can be made of ſuch as 'ſhall, contrary to this our Proclamation, be ſo liſted into ſuch our Service, We 'do ſtraitly Command and Charge all Officers and Souldiers, who ſhall be en- 'tred or liſted for this our Service, That upon the firſt Muſter-day, after they 'ſhall be ſo liſted, they take the Oaths of Supremacy and Allegiance, both 'which We ſhall take care ſhall be tendered unto them according to the Law, 'throughout our Army. And if any ſhall continue his Name in thoſe Liſts, and 'yet refuſe the ſaid Oaths, We ſhall not only caſhier them, but alſo otherwiſe 'proceed againſt them according to the Law.

'And as We ſhall be careful that all our Officers and Souldiers ſhall be duly 'paid, that there be no occaſion or pretence of Neceſſity amongſt them, to bur- 'den any of our Subjects; So We do hereby ſtraitly charge and command, 'That none of the ſaid Officers, or Souldiers, preſume to take any thing from 'any of our good Subjects, without due paiment for the ſame, or commit any 'unlawful Violence or Outrage.

'And to all theſe our Commands, We expect a ſtrict Obedience of all our 'Subjects, whom it may concern, as they will anſwer the contrary at their ut- 'termoſt Peril. And being thus careful that by this Our neceſſary Service, our 'Subjects ſhould not in any degree ſuffer or be wronged, ſo We do expect and 'require, That all our Sheriffs, Juſtices of Peace, Mayors, Bailiffs, and all other 'our Officers and Subjects, ſhould uſe their beſt Endeavours, as there ſhall be 'occaſion, for the Aſſiſtance and convenient Supplies of our ſaid Officers and 'Souldiers, with ſuch things as ſhall be neceſſary and fit for them, at reaſonable 'Rates and Prices.

'Given at our Court at *York* the Tenth day of *Auguſt*, in the Eighteenth Year 'of our Reign, 1642.

God ſave the KING.

By

An. 1642.

By the KING.

A Proclamation by his Majeſty, requiring the Aid and Aſſiſtance of all his Subjects on the North ſide Trent, *and within twenty Miles Southward thereof, for the ſuppreſſing of the Rebels now marching againſt him.*

Auguſt 12. 'WHereas divers Perſons, bearing an inward Hatred and Malice againſt 'our Perſon and Government, and ambitious of Rule and Places of 'Preferment and Command, have raiſed an Army, and are now traiterouſly 'and rebelliouſly (tho under the ſpecious pretence of our Royal Name and 'Authority, and of the Defence of our Perſon and Parliament) marching in 'Battel Array againſt Us their Liege Lord and Soveraign, contrary to their 'Duty and Allegiance, whereby the common Peace is like to be wholly deſtroy-'ed, and this flouriſhing Kingdom in danger to periſh under the Miſeries of a 'Civil War, if the Malice and Rage of theſe Perſons be not inſtantly reſiſted: 'And as We do, and muſt rely on Almighty God (the Protector and De-'fender of his Anointed) to defend Us, and our good People againſt the 'Malice and pernicious Deſigns of theſe Men, tending to the utter Ruin of 'our Perſon, the true Proteſtant Religion, the Laws eſtabliſhed, the Property 'and Liberty of the Subject, and the very Being of Parliaments; ſo We 'doubt not but Our good People will in this Neceſſity contribute unto Us, 'with all Alacrity and Chearfulneſs, their Aſſiſtance in their Perſons, Servants 'and Money, for the ſuppreſſion of the ſame Rebellion: And therein We 'cannot but with much Contentment of Heart acknowledg the Love and 'Affection of our Subjects of our County of *York*, and divers other Counties 'in their free and ready Aſſiſtance of Us, which We ſhall never forget, and our 'Poſterity will, as We hope, ever remember for their good.

'Nevertheleſs, in this Our extream Neceſſity, tho We have been moſt un-'willing, We are now inforced for Our moſt juſt and neceſſary Defence, again 'to call and invite them, and all other our Subjects, of the true Proteſtant Re-'ligion, reſiding on the North-ſide of *Trent*, or within twenty Miles South-'ward thereof, whoſe Hearts God Almighty ſhall touch with a true ſenſe and 'apprehenſion of our Sufferings, and of the ill uſe which the Contrivers and 'Fomenters of this Rebellion have made of our Clemency, and deſire of Peace, 'That according to their Allegiance, and as they tender the Safety of our 'Perſon, the Propriety of their Eſtates, their juſt Liberties, the true Proteſtant 'Religion, and Priviledges of Parliament, and indeed the very Being of Par-'liaments, they attend our Perſon upon Monday, the 22*d* day of this inſtant '*Auguſt*, at our Town of *Nottingham*, where and when We intend to erect our 'Standard Royal, in our juſt and neceſſary Defence, and whence We reſolve 'to advance forward for the Suppreſſion of the ſaid Rebellion, and the Pro-'tection of our good Subjects amongſt them, from the Burden of the Sla-'very and Inſolence, under which they cannot but groan, till they be relieved 'by Us.

'And We likewiſe call and invite all our Subjects, of the true Proteſtant 'Religion, in the remoter Parts of this our Kingdom, to whom notice of this 'our Proclamation cannot ſo ſoon arrive, that with all ſpeed poſſible, as they 'tender the fore-named Conſiderations, they attend our Perſon in ſuch place 'as We ſhall then happen to encamp; and ſuch of our ſaid Subjects, as ſhall 'come unto Us (either to our ſaid Town of *Nottingham*, or to any other 'place, where We ſhall happen to encamp) armed, and arrayed with Horſe, 'Piſtols, Muſquets, Pikes, Corſlets, Horſes for Dragoons, or other fitting 'Arms and Furniture, We ſhall take them into our Pay (ſuch of them ex-'cepted, who ſhall be willing, as Voluntiers, to ſerve Us in this our Neceſſity 'without Pay.) And whoſoever ſhall in this our Danger and Neceſſity, ſupply 'Us either by Gift, or Loan of Money or Plate, for this our neceſſary Defence

'(where-

'(wherein they alſo are ſo nearly concerned) We ſhall as ſoon as God ſhall 'enable Us, repay whatſoever is ſo lent, and upon all occaſions remember and 'reward thoſe Our good Subjects, according to the meaſure of their Love and 'Affections to Us and their Country. 18 *Car.*

'Given at Our Court at *York*, the 12th of *Auguſt*, in the Eighteenth Year 'of Our Reign, 1642.

GOD ſave the KING.

His Majeſty's Meſſage to the Houſe of Commons, from the Court at York, *the* 13th *of* Auguſt, 1642.

HIS Majeſty taking notice of an Order lately made by the Houſe of Commons, whereby that Houſe hath unduly aſſumed to themſelves Authority to order, direct and diſpoſe of one hundred thouſand Pounds, part of thoſe Monies which the Adventurers for the reducing of the Rebels of *Ireland*, have paid to that end only, to other Uſes and Intents, contrary to the expreſs words of the Act of Parliament concerning the ſame; wherein it is enacted, That no part of the Money which ſhould be paid in according to that Act, ſhall be imploy'd to any other purpoſe, than the reducing of thoſe Rebels, until they ſhall be declared to be ſubdued, out of his Majeſty's Piety and Princely Care for the confirming and Re-eſtabliſhment of God's true Religion in that his Kingdom of *Ireland*, for the Relief of his diſtreſſed Subjects there, for the ſuppreſſing of that horrid and bloody Rebellion, for the Supply and Payment of his Armies there, now in great Want and Neceſſity, doth ſtrictly require the Houſe of Commons, as they will anſwer the contrary to Almighty God, his Majeſty, and thoſe that have truſted them, That they immediately retract that miſchievous, illegal and unjuſt Order; wherein his Majeſty expecteth their ſpeedy Anſwer and Obedience, and the rather that he may thereby be ſecured, that ſuch part of the four hundred thouſand Pounds, as is or ſhall be collected from his good Subjects of *England* by virtue of the late Act of Parliament, whereby the ſame is granted, may not likewiſe (under falſe pretences) be diverted from its proper uſe for which it was intended, and miſimployed to the Diſturbance of the Peace of this Kingdom in a War againſt his Sacred Majeſty.

King's Meſſage about the Parliament's borrowing 100000 *l.* of Money raiſed for *Ireland*, *Aug.* 13.

The Anſwer of the Houſe of Commons to his Majeſty's Meſſage.

THE Houſe of Commons having received a Meſſage from his Majeſty of 13th of *Auguſt* laſt, whereby they are required to retract an Order made by them for the borrowing of one hundred thouſand Pounds of the Adventurers Money for *Ireland*, ſuppoſing that Order very prejudicial to the Affairs of *Ireland*, and contrary to an Act of Parliament made this preſent Seſſion; do in the firſt place declare, That theſe Directions given by his Majeſty for the retracting of this Order, is an high Breach of Priviledg of Parliament; and that they cannot without a deep ſenſe of Sorrow, call to mind how Popiſh and Prelatical Counſels did ſo far prevail with his Majeſty, that two Armies were brought within the Bowels of this Kingdom, and two Proteſtant Nations ready to welter in each others Blood. That when both theſe Armies had been a long time defrayed at the Charge of the poor Commons of *England*, and at length, by God's Bleſſing upon the Endeavours of the Parliament, quietly disbanded, the ſame wicked Counſels (prevented of that Deſign) did ſoon after raiſe this bloody and barbarous Rebellion in *Ireland*. The ſuppreſſing whereof (for the better colour) was recommended to the Care of the Parliament, who, out of a fellow-feeling of the unſpeakable Miſeries of their Proteſtant Brethren there, (not ſuſpecting this horrid Plot, now too apparent) did chearfully undertake that great Work, and do really intend and endeavour to ſettle the Proteſtant Religion, and a permanent Peace in that Realm, to the

The Parliament's Anſwer.

An. 1642. the Glory of God, and the great Honour and Profit of his Majeſty, and Security of his three Kingdoms; but how they have been diſcouraged, retarded and diverted in and from this pious and glorious Work, by thoſe Traiterous Counſels about his Majeſty, will appear by many Particulars, ſome whereof they ſhall upon this firſt occaſion call to remembrance. That when the Lords and Commons had upon the firſt breaking out of the Rebellion, immediately provided and ſent over 20000 *l.* and ingaged themſelves and the whole Kingdom for the reducing of the Rebels: Yet his Majeſty after his return from *Scotland* to *London*, was neither pleaſed by Word or Meſſage to take notice of it, until after ſome in the Houſe of Commons had truly obſerved how forward thoſe miſchievous Counſellors were to incite his Majeſty againſt his Proteſtant Subjects of *Scotland*, and how ſlow to reſent the Proceedings of his Papiſts Traitors in *Ireland*.

That altho the Rebels had moſt impudently ſtiled themſelves the Queen's Army, and profeſt that the cauſe of their riſing was, to maintain the King's Prerogative, and the Queen's Religion, againſt the Puritan Parliament in *England*: And that thereupon both Houſes of Parliament did humbly and earneſtly adviſe his Majeſty to wipe away this dangerous Scandal, by proclaiming them Rebels and Traitors to his Majeſty, and the Crown of *England*, which then would have mated and weakened the Conſpirators in the beginning, and encouraged both the Parliament here, and good People there, the more vigorouſly to have oppoſed their Proceedings: yet ſuch was the Power of theſe Counſels, that no Proclamation was ſet forth to that purpoſe, till almoſt three Months after the breaking out of this Rebellion, and then Command given, that but forty ſhould be printed, nor they publiſhed till further Directions ſhould be given by his Majeſty.

That after both Houſes of Parliament had found out a probable way to reduce the Kingdom of *Ireland*, by the Adventure of private Men, without any Charge to the Subject in general, and which they are very confident would have brought in a Million of Money, (had his Majeſty continued in or near *London*) thoſe malicious Whiſperers that durſt not hinder the paſſing of the Bill which was ſo ſpecious in it ſelf, and ſo generally approved, yet have by practice, by drawing his Majeſty from his Parliament, by keeping him at this diſtance, and adviſing him to make War upon his People, ſo intimidated and diſcouraged the Adventurers, and others that would have adventured, that they have rendred that good Bill in a manner ineffectual.

That the Parliament and Adventurers had long deſigned five thouſand Foot, and five hundred Horſe for the Relief of *Munſter*, to be ſent as a Brigade, under the Command of the Lord *Wharton*, had made choice and liſted all the Commanders, and prepared Money, Arms, and other Proviſions for that Expedition, and all to be at the Charge of the Adventurers. And when nothing was wanting but a Commiſſion to the Lord *Wharton*, to enable him for that Service: ſuch was the Power of thoſe Counſels, that no Commiſſion could be obtained from his Majeſty; by reaſon whereof, *Limerick* was wholly loſt, and the Province of *Munſter* is now in very great Diſtreſs.

That when divers pious and well-affected Perſons had prepared twelve Ships, and ſix Pinaces, with a thouſand or more Land-Forces at their own Charge, by way of Adventure for the Service of *Ireland*, and deſired nothing but a Commiſſion from his Majeſty to enable them thereunto; that Commiſſion, after twice ſending to *York* for the ſame, and the Ships lying ready to ſet ſail for three Weeks together, at the Charge of near three hundred Pounds a day, was likewiſe denied; and thoſe Adventurers (rather than to loſe their Expedition) were conſtrained to go by virtue of an Ordinance of both Houſes of Parliament.

That tho the Lords-Juſtices of *Ireland* have three Months ſince earneſtly deſired to have two Pieces of Battery ſent over, as very neceſſary for that Service; yet ſuch Commands are given to the Officers of the Tower, that none of his Majeſty's Ordinance muſt be ſent to ſave his Majeſty's Kingdom.

That altho whilſt the Earl of *Leiceſter* ſtay'd here in the Service of the Parliament, and in providing for his long-expected Voyage into *Ireland*, a Meſſage was ſent to the Parliament from his Majeſty to haſten him away, and Letters were written to the ſaid Earl from his Majeſty, that he ſhould make

no

18 Car.

no ſtay at *York* for his diſpatch, but that his Inſtructions ſhould be ready for him againſt he came. And altho it is notoriouſly known, that the Affairs of *Ireland* do exceedingly ſuffer by wanting the perſonal Aſſiſtance of a Commander in Chief, to give both Life and Motion to the Army there, yet the ſaid Earl hath been ſtaid with his Majeſty in the North a Month and more, and as yet can get no Diſpatch.

That notwithſtanding the bleeding Condition of *Ireland*, yet divers Commanders and Officers in pay, and in actual Employment there againſt the Rebels, have been called away from that important Service, by the expreſs Command of his Majeſty, as *Charles Lloyd*, Engineer and Quarter-Maſter-General of the Army in *Ireland*, and divers others.

That Captain *Green* Comptroller of the Artillery, a Man in Pay, and principally employed and truſted here by the Lord-Lieutenant of *Ireland*, for the providing and ordering the Train of Artillery which was to be ſent to *Dublin*, and who had received great Sums of Money for that purpoſe, was commanded from that Imployment and Truſt, to ſerve his Majeſty in this moſt unnatural War againſt his Loyal and beſt-affected People.

That the Parliament having made great Proviſion of Clothes for the poor Souldiers in *Ireland*, for their preſent Succour, and ſending ſix hundred Sutes, part thereof, towards *Cheſter* the laſt week; the Man that undertook the Carriage of them, one *William Whitaker* by Name, was aſſaulted by his Majeſty's Cavaliers, then lying about *Coventry*, who took away thoſe ſix hundred Sutes of Clothes, and the Waggon and Horſes of the poor Man, altho they were told that the ſix hundred Sutes of Clothes were for the Souldiers in *Ireland*, and notwithſtanding the poor Carrier was five times with the Earl of *Northampton* to beg a releaſe of his Waggon.

That three hundred Sutes of Clothes, with a Chirurgion's Cheſt of Medicaments, being likewiſe ſent for *Ireland*, by one *Richard Owefield*, who was employed by the Parliament to carry them to *Cheſter*, a Troop of his Majeſty's Cavaliers, under Command of one Captain *Middleton*, met with them upon the Road, and took away the Clothes and Chirurgion's Cheſt, together with the poor Carrier's Horſes and Waggon, for his Majeſty's pretended Service here.

That a great number of Draught-Horſes prepared by the Parliament for the Artillery and Baggage of the Iriſh Army, were ſent to *Cheſter* for that purpoſe, and being there attending a Paſſage, are now required by his Majeſty for his ſaid preſent Service in *England*.

That his Majeſty's Forces are ſo quartered in and about the common Roads to *Ireland*, that neither Money, Clothes, Victuals, or other Proviſion can paſs thither by Land with any Safety.

That Captain *Ketleby* the Admiral, and Sir *Henry Stradling* the Vice-Admiral of the Ships which were directed to lie upon the Coaſt of *Ireland*, to annoy the Rebels, and to prevent the bringing to them Ammunition and Relief from Foreign Parts, are both called away from that Employment by his Majeſty's Command; and by reaſon of their departure from the Coaſt of *Munſter*, to which they were deſigned, the Rebels there have received Powder, Ammunition and Relief from Foreign Parts; by which, and many other Particulars, too long to relate, it may ſeem as if thoſe barbarous Iriſh Rebels are kept on foot and countenanced there, of deſign to aſſiſt the Northern Cavaliers; and according to the Earl of *Strafford*'s unheard-of Advice, to have an Army in *Ireland*, with which his Majeſty may reduce this Kingdom; eſpecially conſidering thoſe confident Rebels have preſumed very lately to ſend a Petition to his Majeſty, intitling themſelves his Majeſty's Catholick Subjects of *Ireland*, and complaining of the Puritan Parliament of *England*, and deſiring, that ſince his Majeſty comes not thither, according to their Expectation, that they may come into *England* to his Majeſty; which Petition we may juſtly fear, is but a Prologue to that Tragedy they have deſigned to act here, in caſe their coming over be not prevented by the Care and Vigilancy of the Parliament, and good People of *England*: But leſt the Houſe of Commons might ſeem to excuſe the making of this Order by way of Recrimination; They for Satisfaction to the World, do proteſt before Almighty God, (the Searcher of all Hearts) That they have as great Compaſſion and Sorrow for the preſent Sufferings of their diſtreſſed

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Brethren in *Ireland*, as if themſelves were in their Caſe, (into which they are conſident thoſe horrid Traitors, thoſe Monſters of Men about his Majeſty, do labour to bring this Kingdom); That they have, and ſhall ever really endeavour, by all Means poſſible, (with due regard to the preſent Eſtate of this Kingdom) to ſupply and ſupport them in this their great Affliction, notwithſtanding the Malice and Obſtructions of all Oppoſers.

That the Houſe of Commons lively apprehending the imminent Danger of this Kingdom, and finding that whilſt they were active here to ſubdue the Rebels of *Ireland*, there were Papiſts, Traitors and Delinquents more active in the North, to conquer and deſtroy the Parliament, and good People of *England*, thought it neceſſary to provide for the Safety of both, by preparing a competent Army for the Defence of the King and Kingdom. And although Multitudes of well-affected Perſons had chearfully brought in great ſtore of Plate for that purpoſe, yet in regard the Plate could not be coined with ſuch expedition as the importance of the Service did require; and well-knowing that one hundred thouſands Pounds might for a ſhort time be borrowed out of the Adventurers Money for *Ireland*, without any Prejudice to the Affairs of that Kingdom, whoſe Subſiſtance depends upon the welfare of this; and reſolving to make a ſpeedy and real repaiment of what Money ſhould be ſo borrowed, did make this Order; which that it might appear to all the World, to be neither Miſchievous, Illegal, nor Unjuſt, (as his Majeſty, by the inſtigation of thoſe malignant Whiſperers, is pleaſed to term it) the Houſe of Commons thought fit to recite it *in hæc verba*, and inſtead of retracting the Order, to repay the Money with all poſſible ſpeed.

The 30th of July, 1642.

The Parliament borrows 100000 *l.* of the Treaſure for Subſcription.

IT is this day Ordered, by the Commons Houſe of Parliament, that the *Treaſurers* appointed to receive the Monies come in upon the *Subſcriptions* for *Ireland*, do forthwith furniſh, by way of Loan, unto the Committee of the Lords and Commons, for the Defence of the Kingdom, the *Sum of One hundred thouſand Pounds*, for the Supply of the Publick Neceſſity, for the Defence of the King, Parliament and Kingdom, upon the Publick Faith, to be repaid duly and carefully, within ſo ſhort a Time, that it ſhall not be diverted from the purpoſe for which it was intended, or any way fruſtrate the Acts already made in the behalf of that Adventure.

By which Order, and that which hath been here truly ſet down, it will eaſily appear to all the indifferent People of his Majeſty's three Kingdoms, whether the King and his Cavaliers, or the King and his Parliament, do moſt affect and endeavour the ſettling of true Religion, and a firm and conſtant Peace within that bleeding and diſtreſſed Kingdom?

Ordered by the Commons in Parliament, That this *Meſſage* and *Anſwer*, be forthwith printed and publiſhed.

HEN. ELSING Cler. Parl. Dom. Com.

A Declaration of the Lords and Commons, requiring the Subjects not to aſſiſt the King in this War.

Aug. 8. 1642. That ſuch as aſſiſt the King are Traitors.

WHereas the King, ſeduced by wicked Counſel, doth make War againſt his Parliament and People. And for the promoting of that War, divers Forces, both of Horſe and Foot, have been and are levied and raiſed by ſeveral Perſons, and his Majeſty's good Subjects are moſt cruelly robbed, ſpoiled and ſlain.

To the end that no Man may be miſled through Ignorance, the Lords and Commons in Parliament declare, That all ſuch Perſons as ſhall, upon any pretence whatſoever; aſſiſt his Majeſty in this War, with Horſe, Arms, Plate or Money, are Traitors to his Majeſty, the Parliament and Kingdom, and ſhall be brought to condign Puniſhment for ſo high an Offence. *Orders*

18 *Car.*

Orders to ſuppreſs Diſorders by Souldiers.

Auguſt 18.

WHereas there have been divers Complaints made unto us of many *Diſorders* committed by the *Souldiers* in their *marching*, and in ſuch places wherein they have been quartered or billeted: Which Diſorders, as is inform'd, have been partly occaſioned by the *neglect of their Officers*, to go along with them and conduct them. It is therefore Ordered, by the Lords and Commons aſſembled in Parliament, that the *Lord General* be deſired to give Command to all his Officers, that they take care to attend, according to the Duty of their ſeveral Places, that the Souldiers thereby may be hereafter kept from ſtragling up and down the Countries: And to that end to lay his Command upon the Officers of each Company, both in the Marching, Quartering and Billeting, to be in Perſon amongſt the Souldiers themſelves, to prevent any Diſorders whatſoever, and puniſh ſuch as ſhall offend.

Ordered by the Lords and Commons aſſembled in Parliament, that theſe Orders be forthwith printed and publiſhed.

JOHN BROWN, Cler. Parliamentorum.

The Impeachment of the Houſe of Commons againſt Sir Richard Gurney *Knight and Baronet, Lord Mayor of the City of* London.

FIrſt, That the ſaid Sir *Richard Gurney* being nominated, elected and choſen Lord Mayor of the ſaid City of *London*, for this preſent Year 1642, and in the Year of our Sovereign Lord King *Charles*, of *England*, *Scotland*, *France* and *Ireland*, &c. the Eighteenth; whereby the Ordering, Rule and Government of the ſaid City of *London*, was committed to the Truſt, Care and Charge of him the ſaid Sir *Richard Gurney*; he the ſaid Sir *Richard Gurney*, in or about the Month of *June* laſt paſt, and during the time of his Mayoralty as aforeſaid, in Contempt and Malice againſt the Parliament, and the Proceedings thereof; and contrary to his Oath, and the Faith and Truſt repoſed in him; and with an Intent, Purpoſe and Reſolution, to overthrow the ancient Cuſtoms and Uſages of the ſaid City; and with an Intent, Purpoſe and Reſolution, to bring in an Arbitrary and Tyrannical Government, contrary to the Laws and Statutes of this Realm, and the ſettled Government eſtabliſhed in the ſame Kingdom; and with an Intent and Endeavour to levy War againſt the Parliament, did, in or about the Month of *June* laſt paſt, proclaim and publiſh, or did cauſe and procure to be openly read and publiſhed, within the ſaid City of *London*, and Suburbs of the ſame, divers illegal Proclamations, containing in them Matters of dangerous Conſequence, and contrary to the Votes and Orders of both Houſes of Parliament, and likewiſe contrary to the Rights and Priviledges thereof, and the Liberty and Property of the Subject.

Secondly, That wherein or about the Month of *December* laſt paſt, a great number of his Majeſty's Dutiful and Loyal Subjects, in and about the City of *London*, did contrive and draw up a certain Petition, wherein were contained many of their Grievances, with an intent to preſent the ſame to the Honourable Houſe; he the ſaid Sir *Richard Gurney* being then and now Lord Mayor of *London*, did earneſtly labour and endeavour to ſuppreſs the ſaid Petition, and to hinder the ſame from being delivered to this Honourable Houſe; and did threaten and menace the ſaid Petitioners, and impriſoned divers of them, contrary to the Laws and Statutes of this Realm, and contrary to the Liberty of the Subject.

Thirdly, The ſaid Sir *Richard Gurney*, together with one *Bynyon*, did further plot and contrive one ſeditious and ſcandalous Petition, containing Matters of dangerous Conſequence, endeavouring thereby to raiſe Tumults and Diſcords within the ſaid City, and to make and increaſe the Difference between his Majeſty and the Parliament; whereupon many inſolent Perſons, ill-affected to the State, and the Proceedings of Parliament, did, in a riotous and unlawful manner,

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ner, assemble and gather themselves together in *Cheap-side* within the said City, and then and there committed many riotous Acts, contrary to the Peace of our Sovereign Lord the King, and contrary to the Civil Government of the said City. And he the said Sir *Richard Gurney*, did purposely, wittingly and willingly permit and suffer the aforesaid riotous Persons to escape, without due and deserved punishment of Law.

Fourthly, That whereas, by Order of both Houses of Parliament, the said Lord Mayor was appointed to call a Common-Council: He refused so to do; And when a Common-Council was called by the said Sir *Richard Gurney*, it was moved, on the behalf of both Houses of Parliament, that great quantity of Arms, and other Ammunition, should be laid into some Store-houses within the said City, for his Majesty's Service, and the Good and Safety of the Kingdom; he the said Sir *Richard Gurney*, being ill-affected to the State, and the Proceedings of Parliament, did, in a most obstinate and malicious manner, withstand, refuse or gainsay the same, contrary to the Order of both Houses of Parliament, giving many insolent Speeches against the Authority thereof, with an intent and purpose to discourage all well-affected Persons, to yield Obedience to the Orders of Parliament, and to make Difference and Division between his Majesty and the Parliament. All which Matters and Things have been perpetrated, committed and done by him, the said Sir *Richard Gurney*, during the time of his Mayoralty aforesaid.

Articles of Impeachment against Sir Thomas Gardiner, *Recorder of the City of* London.

1. THat the said Sir *Thomas Gardiner*, being now, and for six Years last past having been Recorder of the City of *London*, and having taken an Oath for his faithful discharge of his said Office, and to maintain the Franchises and Customs of the said City, and not to discover the Counsel thereof to the hurt of the same, did in the Year of our Lord God 1638, contrary to the Laws of this Kingdom, and contrary to his Oath, wickedly advise, direct, and earnestly press Sir *Maurice Abbot* Knight, then Lord Mayor of *London*, the Aldermen and Common-Council of the said City, and others at several times since, to impose, levy, and take of the said Citizens and Inhabitants, without their Consent in Parliament, the illegal Tax of *Ship-money*. And being told by some of the said Commou-Council, that the Tax of *Ship-money* was against Law: he the said Sir *Thomas Gardiner* replied, There would be Law found for it e're long.

2. That the said Sir *Thomas Gardiner*, in the said Year 1638, did wickedly advise and perswade the said Lord Mayor, Aldermen and Common-Council of *London*, that they might, at their own Will and Pleasure, by Force and Power of the Acts of that Court, Tax and Levy on the said Citizens and Inhabitants, without their Consent in Parliament, a certain Sum of Money by way of Loan, to furnish his Majesty for his Wars; affirming, that such Acts would bind and compel the Citizens to pay the same. And also in the said Year 1638, contrary to his Oath, and against the said Laws of the Land, did wickedly advise and direct the then Lord Mayor, Aldermen, and Common-Council, to raise and levy an Army of 3000 Men of the Trained-Bands of the said City, to serve his Majesty in his Wars in the North, against his Majesty's Subjects of *Scotland*. And therein he affirmed, That every Subject was bound by his Allegiance to serve the King; and that neither the Statute-Law nor their Charters could excuse them: Saying also at the same time, It is now no Time to plead Statutes and Charters.

3. That about the Month of *February*, 1639, he the said Sir *Thomas Gardiner*, contrary to his Oath, and to the Laws of the Land, did earnestly perswade and press Sir *Henry Garraway* Knight, then Lord Mayor, the Aldermen and Common-Council of *London*, to impress Cloth, and conduct 200 Men of the said Citizens and Inhabitants, to serve the King in his Wars in the North, against his Majesty's Subjects of *Scotland*: And altho the same was refused to be done by the said Court of Common-Council, as a thing against Law; yet by the perswasion of the said Sir *Tho. Gardiner*, the same was then performed by the then Lord Mayor,

and

and the Money paid for the ſame out of the Chamber of *London*, without any Conſent or Approbation of the ſaid Court of Common-Council, contrary to the Liberties and Cuſtoms of the ſaid City, and in ſubverſion of them. 18 *Car.*

4. That a Petition directed to his Majeſty, being prepared in the ſaid Year 1638, by the ſaid then Lord Mayor, Aldermen and Common-Council, ſetting forth the Laws and Statutes of this Kingdom, and the Charters of the ſaid City, to exempt the ſaid Citizens and Inhabitants of *London*, from certain illegal Taxes and Services, whereby his Majeſty might be pleaſed not to continue ſuch his Demand of Men and Money from them, He the ſaid Sir *Thomas Gardiner*, contrary to his Oath, and Duty of his Place, did reveal and diſcloſe to his Majeſty their Counſel and Intention of delivery of that Petition, and then told the Perſons appointed to deliver the ſame Petition, that his Majeſty would receive no Petition from them.

5. That the ſaid Sir *Thomas Gardiner*, to the end to preſerve himſelf from being queſtioned for the ſame Crimes, laboured to hinder the calling of Parliaments; and therefore in the Month of *May*, in the Year 1640, preſently after the diſſolving of the Parliament, he the ſaid Sir *Thomas Gardiner*, adviſed and perſwaded the then Lord Mayor, Aldermen and Common-Council of *London*, to lend the King 100000 *l.* for his Wars againſt his Majeſty's Subjects of *Scotland*. And albeit they told him, it was not ſafe for them to do it, when the Parliament and the Kingdom had refuſed it, yet he earneſtly perſwaded them thereunto; and in or about *July* in the ſaid Year 1640, when many thouſands of the ſaid Citizens of *London* joined in a Petition to be delivered unto his Majeſty to call a Parliament, for ſetling the Diſtractions of this Kingdom, and for the Peace and Welfare thereof, and of his Majeſty's Kingdom of *Scotland*; he the ſaid Sir *Thomas Gardiner* did earneſtly diſſwade them from it, ſaying, it was dangerous and needleſs, and the Petition would come unſeaſonably to interrupt the King's Affairs.

6. That in *December* laſt, when a Petition was prepared and ſubſcribed by many thouſands of the ſaid Citizens to be preſented to the Houſe of Commons, to aſſure them of their good Affection to the King and Parliament, and not to divert the Parliament in their juſt ways; he the ſaid Sir *Thomas Gardiner*, cauſed ſome of the Petitioners to be ſent for before the Lord Mayor and himſelf, and queſtioned them as Rioters and Diſturbers of the Peace, ſaying, that the putting their Hands to a Petition was the way to put all together by the Ears. And being then anſwered by ſome of the ſaid Petitioners, that they ſought nothing but Peace; he replied in theſe or the like words, Is this your way to Peace? no, it tends to Sedition and Blood, and to cutting of Throats; and if it come to that, you may thank your ſelves, your Bloods be upon your own Heads. And he uſed other threatning Speeches to diſcourage and terrify the Petitioners from further proceeding in their ſaid Petition, which Petition was afterwards preſented to the Lords and Commons in Parliament, and well approved by them, and doth not contain any dangerous matter, as was maliciouſly by him pretended, as may appear by a Copy of the Petition hereunto annexed.

7. That in *January* laſt at a Court of Common-Council in *London*, an Order of the Houſe of Commons was ſent and delivered to the Lord Mayor, Aldermen and Common-Council of the ſaid City, appointing them to make choice of meet Perſons to have the ordering of the *Militia*; whereat the ſaid Sir *Thomas Gardiner* was preſent, and took notice of the ſaid Order, and declared his Opinion, that the Perſons of the Committee formerly choſen for the Safety of the ſaid City, were the fitteſt Men to take that Service upon them. Whereupon the Lord Mayor and Sheriffs deſiring to be excuſed, the Perſons of the ſaid Committee were choſen by a clear Vote, and their Names ſent to the Houſe of Commons, and by them and the Houſe of Peers allowed and approved of: Yet afterwards he the ſaid Sir *Thomas Gardiner* endeavouring and plotting to hinder the Proceedings in Parliament, the Peace and Safety of this Kingdom, did moſt maliciouſly and wickedly adviſe, and direct the making and framing of two falſe and ſeditious Petitions; and he the ſaid Sir *Thomas Gardiner*, upon peruſal of them, affirmed the Matters contained in them to be agreeable to Law, and to the Cuſtom of the ſaid City, thereby encouraging divers of the ſaid City to ſubſcribe the ſame, and to ſend the one of them to be preſented to his Majeſty, and the other unto the Lords and Commons in Parliament; which

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Petitions do contain in them divers falſe, ſcandalous and ſeditious Matters; and in particular, that Petition annexed hereunto, a Copy whereof was afterwards ſubſcribed by divers Citizens, and preſented to the Houſe of Commons, containing falſe Matter, That the ordering of the Arms of the ſaid City of *London* had been, time out of mind, annexed to the Mayoralty for the time being; and inſinuating, that if the ſame ſhould be conferred upon others, it would reflect upon the Government and Cuſtom of the ſaid City, which every Freeman of the ſaid City was by his Oath of Freedom bound to maintain to the uttermoſt of his Power; which Petitions were ſo contrived, framed and publiſhed, on purpoſe to divert his Majeſty from aſſenting to the ſaid Ordinance, and to work a Diſtraction in the ſaid City, and to bring the Parliament, City and whole Kingdom into Diſorder and Confuſion. All which Matters committed and done by the ſaid Sir *Thomas Gardiner*, were and are high Crimes and Miſdemeanours, contrary to the Laws of this Realm, and in Subverſion of them, and contrary to the Rights and Priviledges of Parliament, the Liberty and Property of the Subject, tending to Sedition, and to the Diſturbance of the Publick Peace of this Realm.

And the ſaid Commons by Proteſtation ſaving to themſelves, the liberty of exhiting at any time hereafter any other Accuſation or Impeachment againſt the ſaid Sir *Thomas Gardiner*, and alſo of replying to the Anſwers that the ſaid Sir *Thomas Gardiner* ſhall make unto the ſaid Articles, or to any of them, and of offering further proof of the Premiſſes, or any of them, or of any other Impeachment or Accuſation that ſhall be exhibited by them, as the Cauſe ſhall, according to the courſe of Parliament, require, do pray that the ſaid Sir *Thomas Gardiner* may be put to anſwer all and every the Premiſſes, and that ſuch Proceedings, Trials, Judgments and Executions may be upon every of them had and uſed, as is agreeable to Law and Juſtice.

Veneris, 12 *Auguſt.* 1642.

The Sentence of Sir *Richard Gurney* Lord Mayor.

THE Commons with their Speaker came to the Bar of the Lords Houſe, and demanded Judgment againſt Sir *Rich. Gurney* Knight and Baronet, Lord Mayor of the City *London*, impeached by them before the Lords in Parliament; whereupon the Lord Mayor was brought to the Bar, and the Lord *Kimbolton* being then Speaker, pronounced the Sentence following, *viz.*

Whereas Sir *Rich. Gurney* Knight and Baronet, Lord Mayor of the City of *London*, hath been impeached by the Knights, Citizens and Burgeſſes of the Houſe of Commons, for cauſing Proclamation to be made in ſeveral places of the City of *London*, for the putting in Execution the Commiſſion of Array, tending to the raiſing of Forces againſt the Parliament, and the Subverſion of the Laws and Peace of this Kingdom; and for the framing of two falſe and ſcandalous Petitions, to ſet Diviſion between his Majeſty and the Parliament, and the Parliament and the City; and for impriſoning certain Apprentices, who had framed a Petition unto the Parliament; and for not puniſhing or proceeding againſt certain Rioters, or Miſdoers whithin the City of *London* acted on or about the ſecond of *February*, 1641. And for refuſing or neglecting to call a Common-Council for the Good and Safety of the ſaid City and Kingdom, being thereunto commanded by the Authority of both Houſes of Parliament.

The Lords having taken the ſaid Charges into their due Conſideration, do find the ſaid Sir *Richard Gurney*, Lord Mayor of the City of *London*, guilty of cauſing the ſaid Proclamation for putting the Commiſſion of Array in Execution, to be publiſhed, tending to the diſturbance of the Peace of this Kingdom, and of not ſuppreſſing the ſaid Riots and Miſdemeanours, and of not calling a Common-Council, as he was by Order of Parliament required.

And for the ſaid Offences this High Court doth award and adjudg,

1. That the ſaid Sir *Richard Gurney* ſhall be no longer Lord Mayor of the City of *London*.

2. That

2. That he ſhall be hereafter uncapable to bear any Office in the ſaid City of *London*. 18 *Car.*

3. That he ſhall be uncapable to bear or receive any further Honour hereafter.

4. That he ſhall be impriſoned in the Tower of *London* during the Pleaſure of this Houſe.

The King is denied Entrance for his Army into *Coventry*, *Aug.* 20.

On the 20*th* of *Auguſt*, the King with his Forces came before the City of *Coventry*, who having ſhut up their Gates, were commanded by a Meſſage from his Majeſty to open them. They returned Anſwer, that they were content to receive his Majeſty with a competent Guard, but not to let in his Army; whereupon the Ordnance were drawn up and planted to batter the Gates, but the City being lately re-inforced with 300 Men from *Bromingham*, ſo that there were near a thouſand Men in it, were encouraged to hold out; and eſpecially becauſe Colonel *Hambden*, Colonel *Hollis*, and Colonel *Goodwyn*, were marching towards their Relief; ſo the King's Forces drew off and departed, and none were ſlain at this time.

Dover Caſtle ſurprized for the Parliament, *Aug.* 21.

Auguſt 21, one Mr. *Drake*, a Merchant, imployed for ſecuring of *Dover*-Caſtle for the Parliament, on Sunday the 21*ſt* of *Auguſt*, in the dead of the Night, taking about half a ſcore other Townſmen with him, climed up the Rock, carrying with them Muſquets ready charged, and drew up *Scaling-Ladders* after them, and ſo got all ſafe and un-perceived over the Caſtle-wall, and there marched down to the Corps-du-Guards, where they found but four Men, which were ſo daunted with their unexpected appearing, and apprehending they might be followed with greater Number, ſubmitted and yielded up their Arms without any Reſiſtance; then *Drake* and his Party went up to the Gentleman-Porter, and demanded the Keys of the Gates, *for the uſe of the King and Parliament*, telling him they had a Warrant ſo to do; and he refuſing, they threatned to break open his Door and ſhoot him; ſo at laſt he ſurrendred the Keys, and they turned out the firſt they met, and there being not above twenty Men in the Caſtle, in a little time they left none there but themſelves; and immediately diſpatch'd an Expreſs to the Earl of *Warwick*, who ſent them forty Muſqueteers, and the City of *Canterbury* ſent forty more.

The manner of his Majeſty's ſetting up his Standard at Nottingham, *on Monday*, Aug. 22, 1642.

The manner of the King's ſetting up his Standard at *Nottingham*.

MOnday, being the 22*d* of *Auguſt*, in the Morning, his Majeſty left his Forces before *Coventry*, and with ſome Lords, and others in Company rode to *Leiceſter*, where he dined that day at the *Abby*, the Counteſs of *Devonſhire*'s Houſe. Preſently after Dinner the King again took Horſe, and with his Company rode to *Nottingham*, where was great Preparation for the ſetting up of the *Standard* that Day, as was formerly appointed. Not long after the King's coming to Town, the *Standard* was taken out of the Caſtle, and carried into the Field, a little on the backſide of the Caſtle-Wall. The Likeneſs of the *Standard* was much of the faſhion of the City-Streamers uſed at the Lord-Mayor's Show, having about twenty Supporters, and was carried after the ſame way; on the top of it *hangs a Flag, the King's Arms quartered*,

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quartered, with a Hand pointing to the Crown, which ſtands above with this Motto, *Give Ceſar his due.* The Names of thoſe Knights Baronets who were appointed to bear the *Standard, viz.* the chief of them, were Sir *Thomas Brooks,* Sir *Arthur Hopton,* Sir *Francis Wortley,* and Sir *Robert Dadington.*

Likewiſe there were three Troops of Horſe to wait upon the *Standard,* and to bear the ſame backward and forward, with about 600 Foot Souldiers. It was conducted to the Field in great State, his Majeſty, the Prince, Prince *Rupert,* (whom his Majeſty had lately made Knight of the Garter) going along with it, with divers other Lords and Gentlemen of his Majeſty's Train, beſides a great Company of Horſe and Foot, in all to the number of about 2000.

So ſoon as the *Standard* was ſet up, and his Majeſty and the other Lords placed about it, a *Herald* at Arms made ready to publiſh a Proclamation, declaring the Ground and Cauſe of his Majeſty's ſetting up of his *Standard,* namely, to ſuppreſs the Rebellion of the Earl of *Eſſex,* in raiſing Forces againſt him, to which he required the Aid and Aſſiſtance of all his loving Subjects; but before the Trumpeters could ſound to make Proclamation, his Majeſty called to view the ſaid Proclamation, which being given him, he privately read the ſame over to himſelf, and ſeeming to diſlike ſome Paſſages therein, called for Pen and Ink, and with his own Hand croſſed out, and altered the ſame in ſome places, and then gave it the Herald, who proclaimed the ſame to the People, tho with ſome Difficulty after his Majeſty's Corrections: after the reading whereof, the whole Multitude threw up their Hats, and cried, *God ſave the King,* with other ſuch like Expreſſions. Not long after the reading of the ſaid Proclamation, it being towards Night, the *Standard* was taken down, and again carried into the Caſtle, with the like State as it was brought into the Field; and the next day it was ſet up again, and his Majeſty came along with it, and made Proclamation as the day before, and the like was alſo done on Wedneſday, his Majeſty being alſo preſent; but after that it was ſet up with leſs Ceremony.

Soon after the King ſent a Meſſage to the two Houſe touching an *Accommodation,* which with the Anſwers, Replies, *&c.* were as follow.

His Majeſty's Meſſage to both Houſes of Parliament ſent from Nottingham, *by the Earls of* Southampton *and* Dorſet, *Sir* John Culpepper *Knt. Chancellor of the Exchequer, and Sir* William Uvedal *Knt. after his Standard was erected,* Aug. 25, 1642, *in order to a Treaty for Peace.*

His Majeſty's Meſſage touching a Treaty, *Aug.* 25.

'WE have with unſpeakable Grief of Heart, long beheld the Diſtraction of 'this our Kingdom. Our very Soul is full of Anguiſh, until We may find 'ſome Remedy to prevent the Miſeries which are ready to overwhelm this whole 'Nation *by a Civil War.* And tho all our Endeavours tending to the compoſing of 'thoſe unhappy Differences betwixt Us and Our two Houſes of Parliament, tho 'purſued by Us with all Zeal and Sincerity, have been hitherto without that 'Succeſs We hoped for: Yet ſuch is Our conſtant and earneſt Care to preſerve the 'publick Peace, that We ſhall not be diſcouraged from uſing any *Expedient,* which, 'by the Bleſſing of the God of Mercy, may lay a *firm Foundation* of Peace and Happineſs to all Our good Subjects. To this end, obſerving that many *Miſtakes* have 'ariſen by the Meſſages, Petitions and Anſwers betwixt Us and Our two 'Houſes of Parliament, which happily may be prevented by ſome other way 'of Treaty, wherein the Matter in difference may be more clearly underſtood,

'and

18 Car.

'and more freely tranſacted, *We have thought fit to propound unto you*, that ſome 'fit Perſons may be by you *enabled to treat* with the like Number authorized by 'Us, in ſuch a manner, and with ſuch freedom of Debate, as may beſt tend 'to that happy Concluſion, which all good Men deſire, the Peace of the 'Kingdom; wherein, as We promiſe *in the Word of a King*, all Safety and In-'couragement to ſuch as ſhall be ſent unto Us, if you ſhall chuſe the Place 'where We are for the Treaty, which We wholly leave to you, preſuming 'the like Care of the Safety of thoſe We ſhall employ, if you ſhall name 'another Place: So We aſſure you and all Our good Subjects, that to the 'beſt of our Underſtanding, nothing ſhall be therein wanting on Our part, 'which may advance the true Proteſtant Religion, oppoſe Popery and Super-'ſtition, ſecure the Law of the Land, (*upon which is built as well Our juſt Prero-'gative*, as the Propriety and Liberty of the Subject) confirm all juſt Power 'and Priviledges of Parliament, and render Us and our People truly happy, 'by a good underſtanding betwixt Us and Our two Houſes of Parliament. 'Bring with you as firm Reſolutions to do your Duty, and let all Our good 'People join with Us in our Prayers to Almighty God for his Bleſſing upon 'this Work.

'If this Propoſition ſhall be rejected by you, We have done our Duty ſo 'amply, that God will abſolve Us from the Guilt of any of that Blood which 'muſt be ſpilt. And what Opinion ſoever other Men may have of our Power, 'We aſſure you nothing but our Chriſtian and Pious Care to prevent the Effuſion 'of Blood hath begot this Motion, Our proviſion of Men, Arms and Money 'being ſuch as may ſecure Us from further Violence, till it pleaſe God to 'open the Eyes of our People.

The Anſwer of the Lords and Commons to ſuch his Majeſty's Meſſage.

May it pleaſe your Majeſty,

THE Lords and Commons in Parliament aſſembled, having received your Majeſty's Meſſage of the 25*th* of *Auguſt*, do with much Grief reſent the dangerous and diſtracted Eſtate of this Kingdom, which We have by all means endeavoured to prevent, both by our ſeveral Advices and Petitions to your Majeſty, which have not been only without Succeſs, but there hath followed that which no ill Counſel in former times hath produced, or any Age hath ſeen, namely, thoſe ſeveral Proclamations and Declarations againſt both Houſes of Parliament, whereby their Actions are declared Treaſonable, and their Perſons Traitors; and thereupon your Majeſty hath ſet up your *Standard* againſt them; whereby you have put the two Houſes of Parliament, and in them this whole Kingdom, out of your Protection: So that until your Majeſty ſhall re-call thoſe Proclamations and Declarations, whereby the Earl of *Eſſex*, and both Houſes of Parliament, and their Adherents and Aſſiſtants, and ſuch as have obeyed and executed their Commands and Directions, according to their Duties, are declared Traitors, or otherwiſe Delinquents: And until the Standard, ſet up in purſuance of the ſaid Proclamations, be taken down, your Majeſty hath put us into ſuch a Condition, that whilſt we ſo remain, we cannot, by the Fundamental Priviledges of Parliament, the publick Truſt repoſed in us, or with the general Good and Safety of this Kingdom, give your Majeſty any other Anſwer to this Meſſage.

JO. BROWN, Cler. Parl.

HEN. ELSING, Cler. Parl. D. Com.

An. 1642.

His Majeſty's Reply to an Anſwer ſent by the two Houſes of Parliament, to his Majeſty's Meſſage of the 25th *of* Auguſt, *concerning a Treaty of Accommodation.*

The King's Reply.

'WE will not repeat what Means We have uſed to prevent the dangerous and diſtracted Eſtate of the Kingdom, nor how thoſe Means have 'been interpreted, becauſe being deſirous to avoid the Effuſion of Blood, We 'are willing to decline all Memory of former Bitterneſs that might make Our 'Offer of a Treaty leſs readily accepted.

'We never did declare, nor *never intended* to *declare both our Houſes of Parlia-* 'ment Traitors, *or ſet up our Standard againſt them,* and *much leſs to put them* 'and this Kingdom out of our Protection; *We utterly profeſs againſt it before God a.* 'the World: and further, to remove all poſſible Scruples, which may hinder the 'Treaty ſo much deſired by Us, We hereby promiſe, ſo that a day be appointed 'by you for the revoking of your Declarations againſt all Perſons as Traitors, 'or otherways for aſſiſting Us, We ſhall, with all Chearfulneſs, upon the ſame 'day re-call our Proclamations and Declarations, and take down our Standard. 'In which Treaty We ſhall be ready to grant any thing that ſhall be really 'for the good of our Subjects, conjuring you to conſider the bleeding Con- 'dition of *Ireland*, and the dangerous Condition of *England*, in as high a degree 'as by theſe our Offers We have declared Our Self to do; and aſſuring you 'that Our chief Deſire in this World, is to beget a good Underſtanding and 'mutual Confidence betwixt Us and Our two Houſes of Parliament.

To the King's moſt Excellent Majeſty,

The humble Anſwer and Petition of the Lords and Commons aſſembled in Parliament, unto the King's laſt Meſſage.

May it pleaſe your Majeſty,

The Parliament's Petition, in Anſwer to the laſt Meſſage.

IF we the Lords and Commons aſſembled in Parliament, ſhould repeat all the Ways we have taken, the Endeavours we have uſed, and the Expreſſions we have made unto your Majeſty, to prevent thoſe Diſtractions and Dangers your Majeſty ſpeaks of, we ſhould too much enlarge this Reply; therefore as we humbly, ſo ſhall we only let your Majeſty know, that we cannot recede from our former Anſwer, for the Reaſons therein expreſſed; for that your Majeſty hath not taken down your Standard, re-call'd your Proclamations and Declarations, whereby you have declared the Actions of both Houſes of Parliament to be Treaſonable, and their Perſons Traitors, and you have publiſhed the ſame ſince your Meſſage of the 25*th* of *Auguſt*, by your late Inſtructions ſent to your Commiſſioners of Array. Which *Standard* being taken down, and the Declarations, Proclamations and Inſtructions re-called; if your Majeſty ſhall then, upon this our humble Petition, leaving your Forces, return unto your Parliament, and receive their faithful Advice, your Majeſty will find ſuch Expreſſions of our Fidelities and Duties, as ſhall aſſure you, that your Safety, Honour and Greatneſs can only be found in the Affections of your People, and the ſincere Counſels of your Parliament; whoſe conſtant and undiſcouraged Endeavours and Conſultations have paſſed through Difficulties unheard-of, only to ſecure your Kingdom from the violent Miſchiefs and Dangers now ready to fall upon them, and every part of them, who deſerve better of your Majeſty, and can never allow themſelves, repreſenting likewiſe your whole Kingdom, to be ballanced with thoſe Perſons, whoſe deſperate Diſpoſitions and Counſels prevail ſtill to interrupt all our Endeavours for the relieving of bleeding *Ireland*, as we may fear our Labours and vaſt Expences will be fruitleſs to that diſtreſſed Kingdom. As your Preſence is thus humbly deſired by us, ſo 'tis our hopes your Majeſty will in your Reaſon believe there is no other way than this to make your Majeſty's Self happy, and your Kingdom ſafe.

JO. BROWN, Cler. Parl.

18 *Car.*

A Declaration of the Lords and Commons in Parliament, with ſome Directions to the Knights, Gentlemen, and other Inhabitants of Yorkſhire, *and the other Northern Counties.*

Directions upon Advice that the King intends to ſet up his Standard at *Nottingham.*

WE the Lords and Commons in Parliament aſſembled, have peruſed and ſeriouſly conſidered a Letter ſent from many of the principal Knights, Gentlemen, and other Inhabitants of the County of *York*, directed to a worthy Knight of that County, being a Member of the Houſe of Commons, and intended for the Information of both Houſes of Parliament, concerning his Majeſty's purpoſe of *raiſing his Standard at Nottingham*; the preſent State of the Northery Parts, and the growing Miſchiefs and Miſeries like to overwhelm the whole Kingdom, by the great Oppreſſions exerciſed upon his Majeſty's Subjects there; and other unlawful and dangerous Counſels and Proceedings of thoſe, who under pretence of his Majeſty's Service, are laying the Foundation of an Arbitrary and Tyrannical Government, or rather Confuſion and Deſolation, not only in thoſe Parts, but in the whole Kingdom: Upon which, and other Informations and Diſcoveries, we think fit to publiſh and declare ſome few Obſervations, whereby the good Subjects of this Kingdom may better diſcern their own Danger, and be ſtirred up with more earneſtneſs to aſſiſt us in the maintenance of Religion, and of the common Juſtice and Liberty of the Kingdom, which ſeems to be in no leſs hazard, than if we had an Army of the Iriſh Rebels in the Bowels of the Land.

The firſt Obſervation is this; That now it plainly appears to the World, that there was good ground of thoſe Fears and Jealouſies, ſo often expreſſed by both Houſes, That his Majeſty intended to make War againſt his Parliament; and that the Oaths, Proteſtations and Execrations, publiſhed in his Majeſty's Name, diſclaiming any ſuch Purpoſe of War, were nothing but the Devices of thoſe wicked Counſellors about him, that under ſuch Diſguiſes and Pretentions of Peace, they might more cloſely arm and prepare themſelves for War, and by Violence to ſuppreſs the Parliament, and ſo to make way for the Accompliſhment of their own Deſigns, for the Alteration of Religion, and the Government of the Kingdom.

The ſecond; That this War is ſaid to be for the Defence of the Proteſtant Religion; and yet the moſt diligent Aſſiſtants and Promoters of it, are Papiſts, and that corrupt and ſuperſtitious part of the Clergy that were running towards Popery; wherein the Papiſts are ſo frequent, that they not only ſend in Horſe and Arms, but the better to qualify their Perſons for this preſent Service, many heretofore conſtant Recuſants, do now reſort to Church, and take the Oaths of Supremacy and Allegiance. And with what Affections they look upon the Reformed Religion, is evident in the Speeches of thoſe who robbed Mr. *Marwood*'s Houſe, calling his Wife *Proteſtant Whore and Puritan*; ſhe being a very vertuous Gentlewoman, and of good Quality, only the Hatred of Religion was it which provoked them to ſuch ignominious Language, which by thoſe Popiſh Cavaliers is proſecuted under the Name of *Roundhead*, as it hath been by the Prelatical Clergy under the Name of *Puritan*.

A third; That Arms were taken from the honeſt Gentlemen, Yeomen and Townſmen, and put into the Hands of ſuch deſperate Perſons, as cannot live but by Rapine and Spoil.

A fourth; That notwithſtanding all the Vows and Proteſtations to govern by Law, which have been diſperſed throughout the Kingdom, to blind and deceive the People, the moſt miſchievous Principles of Tyranny are practiſed that ever were invented, that is, to diſarm the middle ſort of People, who are the Body of the Kingdom, and to maintain Souldiers by forced Contributions; to erect a Provincial Govetnment in the North, clearly againſt the Common Law, and the Judgment given in this Parliament for taking away the Court at *York*. That the Contrivers and Inſtruments of theſe Miſchiefs, for their better ſtrengthening in theſe Deſigns, are about to join themſelves in an Aſſociation with other Counties. That Directions are given, that ſuch as ſhall not oppoſe, or join with them, ſhall be violently plundered and pillaged.

For

An. 1642.

For the prevention of theſe growing Evils and Miſchiefs, the Lords and Commons do declare,

That all well-affected and good Subjects, who ſhall be plundered, pillaged, and ſuffer in their Eſtates, by any of the Cavaliers, or other Forces raiſed without Conſent of Parliament, ſhall have ſuch reparation of their Damages, out of the Eſtates of thoſe who have been Actors and Counſellors in ſuch Violences, and likewiſe out of the Eſtates of all ſuch Perſons in any part of the Kingdom whatſoever, who have withdrawn themſelves to *York*, and ſhall perſiſt to ſerve the King in this War againſt the Parliament, by any Subſcription, Contribution, or otherwiſe have given Aſſiſtance and Countenance to the maintenance thereof.

That it ſhall be lawful for any number of Perſons to join together, and to defend themſelves and others from Rapine and Force, and the Earl of *Eſſex* Lord-General of the Forces raiſed by the Lords and Commons, for the Defence of the Religion and Liberty, and for Protection of the oppreſſed Subjects of this Kingdom; and the Lieutenant of the County of *York*, is deſired to grant ſuch Commiſſions for levying, leading and conducting of Forces in the Northern Parts, as ſhall be thought requiſite by his Excellency: And Sir *John Hotham*, Governor of *Hull*, is required to give all kind of Aſſiſtance, by the Gariſon of the Town, and by furniſhing them with Powder, Arms, and other Ammunition as he can ſpare. And for the better enabling of them in this their neceſſary Defence, it is reſolved, that further Supplies of Arms ſhall be ſent thither as ſpeedily as may be. That the Sheriff of the County of *York*, and the Sheriffs of the adjoining Counties; and all Lieutenants, Deputy-Lieutenants, Mayors, Juſtices of the Peace, and other his Majeſty's Officers and Loving Subjects, be aiding and aſſiſting them, in defence of his Majeſty's Subjects from all Oppreſſion and Violence, with the Power of the Counties and Trained-Bands.

That it ſhall be lawful for all Lord-Lieutenants, Deputy-Lieutenants, Sheriffs, Mayors, Bailiffs and Head Officers of Corporations, to diſarm all Popiſh Recuſants, and all other his Majeſty's Subjects to be aſſiſting unto them: And that it ſhall be lawful for any of his Majeſty's Subjects to ſeize upon the Perſons of all ſuch as ſhall execute the Illegal Commiſſion of Array, or ſhall be Actors and Aſſiſtants in any of the aforementioned Oppreſſions and Violences, or ſhall furniſh any Horſe, Arms, Money, or other Aid or Contribution, for the maintenance of this unnatural War, raiſed by his Majeſty againſt his Parliament, and to ſeize upon their Horſes, Arms, Money, and other Proviſions, whereby they might be enabled to diſturb the Peace of the Kingdom.

An Order of Parliament to ſuppreſs Riots.

Die Jovis, Auguſti 8. 1642.

IT is this day Ordered, by the Lords and Commons in Parliament Aſſembled, that the ſeveral *Lord-Lieutenants*, appointed by Parliament, their Deputy-Lieutenants, the Juſtices of the Peace, and others his Majeſty's Officers, within the Kingdom of *England* and Dominion of *Wales*, ſhall take ſpecial care to prevent and *ſuppreſs all Riots, Tumults*, breaking into, or *robbing Houſes, breaking into Churches*, taking away of the Goods of any Perſon, or taking of Victuals without due paiment for the ſame: And to take and apprehend all ſuch Perſon or Perſons as ſhall do, or commit any ſuch Outrages as aforeſaid, and to proceed againſt them according to Law.

And it is further Ordered, That the Commanders, and ſeveral Officers, ſhall give their beſt Aſſiſtance for the Apprehenſion and Puniſhment of all ſuch Perſons which ſhall be found Guilty of the Miſdemeanours aforeſaid.

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